

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Philipstown

Local Law No. _____ of the year 20¹⁰

A local law to amend the Code of the Town of Philipstown by deleting and repealing Article I of Chapter
(Insert Title)
55, "Dogs", and replacing it with a new Article I entitled "Licensing, Identification and
Control of Dogs"

Be it enacted by the Town Board _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Philipstown _____ as follows:

Section 1. The Code of the Town of Philipstown is hereby amended by deleting and repealing Article I of Chapter 55, "Dogs".

Section 2. The Code of the Town of Philipstown is hereby amended by adding thereto a new Article I of Chapter 55, to be Chapter 55, Article I, Licensing, Identification and Control of Dogs to read as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF PHILIPSTOWN
Licensing, Identification and Control of Dogs
Effective January 1, 2011

§ 55-1. 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.

§ 55-2. Application.

1. This article shall apply to all areas of the Town of Philipstown.
2. In the event that any dog owned by a resident or by a non-resident of this state is harbored within the Town of Philipstown, such dog shall be exempt from the identification and licensing provisions of this article for a period of thirty (30) days provided such dog is licensed pursuant to the provisions of law of the area of residence.
3. This article shall not apply to any dog confined for the purpose of research to the premises of any research institution.
4. This article shall not apply to any dog confined to the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a class A dealer under the Federal Laboratory Animal Welfare Act.
5. Nothing contained in this article shall prevent the Town of Philipstown from adopting its own program for the control of dangerous dogs; provided however, that no such program shall be less stringent than this article and no such program shall regulate such dogs in a manner that is specific as to breed.

§ 55-3. Definitions. As used in this article, unless otherwise expressly stated or unless the context or subject matter requires otherwise:

1. "*Adoption*" means the delivery to any natural person eighteen years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered, or any cat.
2. "Clerk" means the clerk of the Town of Philipstown where licenses are validated or issued pursuant to this article.
3. "Dog" means any member of the species *canis familiaris*.

4. "Dog Control Officer" means any individual appointed by the Town of Philipstown to assist in the enforcement of this article or any authorized officer, agent or employee of an incorporated humane society under contract with the Town of Philipstown to assist in the enforcement of this article.
5. "Domestic Animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, whitetail deer which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the State Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this article.
6. "Euthanasia" means to bring about death by a humane method.
7. "Guide Dog" means any dog that is trained to aid a person who is blind and is actually used for such purposes, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purposes.
8. "Harbor" means to provide food or shelter to any dog.
9. "Identification Tag" means a tag issued by the Town of Philipstown which sets forth an identification number, together with the name of the Town of Philipstown, the State of New York, contact information, including telephone number for the Town of Philipstown and such other information as the Town of Philipstown deems appropriate.
10. "Identified Dog" means any dog carrying an identification tag as provided in section one hundred eleven of the Agriculture and Markets Law.
11. "Town" means the Town of Philipstown.
12. "Owner" means any person who harbors or keeps any dog.
13. "Owner of Record" means the person in whose name any dog was last licensed pursuant to this article, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of section one hundred twelve of the Agriculture and Markets Law, the owner shall be deemed to be the owner of record of such dog, except that if the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

14. "Person" means any individual, corporation, partnership, association or other organized group of persons, or other legal entity.
15. "Police work Dog" means any dog owned or harbored by any state or 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 Town police work purposes.
16. "War Dog" means any dog, which has been honorably discharged from the United States Armed Services.
17. "Hearing Dog" means 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 during the period such dog is being trained or bred for such purpose.
18. "Service Dog" means 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.
19. "Person with a Disability" means any person with a disability as that term is defined in subdivision twenty-one of section two hundred ninety-two of the Executive Law.
20. (a) "Dangerous Dog" means any dog which (i) without justification attacks a person, companion animal as defined in subdivision five of section three hundred fifty of the Agriculture and Markets Law, farm animal as defined in subdivision four of section three hundred fifty of the Agriculture and Markets Law or domestic animal as defined in subdivision five of this section and causes physical injury or death, or (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification attacks a service dog, guide dog or hearing dog and causes physical injury or death. (b) "Dangerous Dog" does not include a police work dog, as defined in subdivision fifteen of this section, which acts in the manner described in this paragraph while such police work dog is being used to assist one or more law enforcement officers in the performance of their official duties.
21. "Working Search Dog" means any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the Town of Philipstown; provided, however, that such services provided by said dog shall be performed without charge or fee.

22. "Therapy Dog" means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings is actually used for such purposes, or any dog owned by a recognized training center located within the Town of Philipstown during the period such dog is being trained or bred for such purposes.
23. "Detection Dog" means 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.
24. "Physical Injury" means impediment of physical condition or substantial pain.
25. "Serious Physical Injury" means physical injury which creates a substantial risk of death, or which causes death or serious or protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

§ 55-4. Licensing of dogs required; rabies vaccination required.

1. (a) The owner of any dog reaching the age of **six** months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of **six** months and which is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Except as otherwise provided in this subdivision, a license shall be issued or renewed for a period of at least one year, provided, that no license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided in subdivision two of this section, a license shall be issued or renewed for a period of one year from the date for all such licenses. A license issued by the Town of Philipstown with a common renewal date shall expire no later than the common renewal date prior to the expiration date of the rabies certificate for the dog being licensed.
- (b) The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of the owner.
- (c) The application shall be accompanied by the license fee prescribed by

section 55-5 of this article and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision two of this section. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk's office or authorized Dog Control Officer. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he/she 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 spayed or neutered dog as set forth in subdivision one of section 55-5 of this article.

(d) Upon validation by the clerk, or the authorized dog control officer, the application shall become a license for the dog described therein.

(e) The clerk, or authorized dog control officer shall: (i) provide a copy of the license to the owner.

(f) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

2. The Clerk, or authorized Dog Control Officer, 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 old age or another reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk or Dog Control Officer shall make or cause to be made from such statement a record of such information and shall file such record with a copy of the license.
3. The Town of Philipstown may provide for the establishment and issuance of purebred licenses and, in the event it does so, shall provide for the assessment of a surcharge of at least three dollars for the purposes of carrying out animal population control efforts as provided in section 55-13 of this article.

§ 55-5. License fees.

1. The license fee for dog licenses issued pursuant to Section 55-4(1) of this article shall be determined by the Town of Philipstown by local law or resolution, provided that the total fee for an unspayed or unneutered dog shall be at least five dollars more than the total fee for a spayed or neutered dog. All revenue derived from such fees shall be the sole

property of the Town of Philipstown and shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under section 55-11 of this article used therefore, and subsidizing public humane education programs in responsible dog ownership.

2. The Town of Philipstown may exempt from their licensing fees any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Police Work Dog" or "Therapy Dog", as may be appropriate, by the Town Clerk or authorized Dog Control Officer.
3. In addition to the fee charged pursuant to subdivision one of this section there shall be a surcharge of at least one dollar for altered dogs and at least three dollars for unaltered dogs for the purpose of carrying out animal population control efforts as provided in section 55-13 of this article.
4. In addition to the fee charged pursuant to subdivision one of this section, the Town of Philipstown is hereby authorized to provide for the assessment of additional surcharges for the purposes of: (a) recovering costs associated with enumeration conducted pursuant to subdivision six of section 55-8 of this article should a dog be identified as unlicensed during such enumeration. Such additional fee shall be the property of the Town of Philipstown and shall be used to pay the expenses incurred by the Town of Philipstown in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town of Philipstown in conducting an enumeration in any year, such fees may be used by the Town of Philipstown for enforcing this article and for spaying or neutering animals; and (b) offsetting costs associated with the provision and replacement of identification tags pursuant to section 55-6 of this article.

§ 55-6. Identification of Dogs.

1. Each dog licensed pursuant to Section 55-4(1) of this article shall be assigned, at the time the dog is first licensed, a municipal 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, provided that the Town of Philipstown may exempt dogs participating in a dog show during such transportation.
2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

3. Town of Philipstown may provide a purebred license and may provide to a licensee, at his or her expense, any number of tags imprinted with the same number as the purebred license. One such tag shall be affixed to the collar of each dog harbored pursuant to the purebred license at all times, provided that the Town of Philipstown may exempt dogs participating in a dog show during such participation. Such tag shall be affixed only to the collar of a dog owned by the holder of the purebred license and harbored on his/her premises.
4. The Town of Philipstown may offer a license for any guide dog, service dog, hearing dog or detection dog a special tag for identifying such dog, provided that such tag shall be in addition to the identification tag required by subdivision one of this section. The Town of Philipstown shall prescribe the shape, size, color, and form of imprint of the tag, which shall be a different color and shape than the standard identification tag. Upon application, the Town shall furnish such tags without payment of a fee.

§ 55-7. Change of ownership; lost or stolen dog.

1. In the event of a change of ownership of any dog, which has been licensed pursuant to this article or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, file with the Town of Philipstown a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.
2. If any dog, which has been licensed pursuant to this article, is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft file with the Town of Philipstown a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.
3. In the case of a dog's death, the owner of record shall so notify the Town of Philipstown either prior to renewal of licensure or upon the time of such renewal as set forth by the Town of Philipstown.

§ 55-8. Dog Control Officers.

1. The office of Dog Control Officer is hereby established by the Town of Philipstown for the purpose of assisting with the control of dogs and the enforcement of this article.
2. In addition to the Dog Control Officer, the Town of Philipstown may contract with any incorporated humane society or similar incorporated dog protective association for shelter services.

3. The Dog Control Officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article. In addition, the dog control officer, when acting pursuant to his special duties, or police officer, who is authorized by the Town of Philipstown to assist in the enforcement of this article may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accord with the provisions of this article or any local law or ordinance promulgated pursuant thereto.
4. The Dog Control Officer, when acting pursuant to his special duties or police officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address if known.
5. Every Dog Control Officer shall file and maintain such records for not less than three years following the creation of such record, and shall make such reports available upon request.
6. The Town of Philipstown may require its Dog Control Officer to ascertain and list the names of all persons in the Town owning or harboring dogs, or in lieu thereof, the Town of Philipstown may contract to have the same done.

§ 55-9. Pounds and Shelters. The Town of Philipstown may establish and maintain a shelter for dogs, or may contract for shelter services with any incorporated humane society or similar incorporated dog protective association.

§ 55-10. Funds expended by Town for services. The Town of Philipstown shall not be required to expend in any calendar year for Dog Control Officer or Shelter Services undertaken pursuant to this article, an amount of money greater than it receives during such year pursuant to this article and any local law or ordinance enacted pursuant thereto.

§55-11. Spaying and Neutering Facilities authorized. New York State will handle this portion of the law.

§ 55-12. Seizure of Dogs; redemption periods; impoundment fees adoption.

1. Any Dog Control Officer or Peace Officer, acting pursuant of his special duties, or police officer in the employ of or under contract of the Town of Philipstown shall seize:

- (a) any dog which is not identified and which is not on the owner's premises;
 - (b) any dog which is not licensed, whether on or off the owner's premises;
 - (c) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous; and
 - (d) any dog which poses an immediate threat to the public safety. Promptly upon seizure the dog control officer shall commence a proceeding as provided for in subdivision two of section one hundred twenty-three of the Agriculture and Markets Law.
- 2. Any dog control officer, acting pursuant to his special duties may seize any dog in violation pursuant to the provisions of this article.
- 3. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.
- 4. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the following impoundment fees:
 - (a) for the first impoundment of any dog:
 - (1) Fifty (\$50.00) dollars for the first 24 hours or any part thereof, and
 - (2) Ten (\$10.00) dollars for each additional 24 hours or any part thereof,
 - (b) for the second or any additional impoundment of any dog within one (1) year:
 - (1) Fifty (\$50.00) dollars for the first 24 hours or any part thereof, and
 - (2) Twenty (\$20.00) dollars for each additional 24 hours or any part thereof.

The impoundment fees set forth herein may be amended at any time by the Town Board by local law, ordinance or resolution.

- 5. All impoundment fees shall be the property of the Town of Philipstown to which they are paid and shall be used only for controlling dogs and enforcing this article and any rule, regulation, local law or ordinance pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under section 55-11 of this article used

therefor, and subsidizing public humane education programs in responsible dog ownership.

6. Promptly upon seizure of any 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 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. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by subdivision four of this section and by producing proof that the dog has been licensed.
7. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption subject to subdivision six, eight and nine of this section and subject to the provisions of section three hundred seventy-four of the Agriculture and Markets Law. The Town of Philipstown may establish additional conditions for adoption including the requirement that adopted dogs shall be spayed or neutered before or after release from custody upon such terms and conditions as the Town of Philipstown may establish.
 - 7-a. Any dog or cat in the custody of a shelter shall be made available for adoption subject to subdivision six, eight and nine of this section and subject to the provisions of section three hundred seventy-four of the Agriculture and Markets Law after the time for redemption has expired.
8. The redemption periods set forth above in this section notwithstanding, the Town of Philipstown may establish the duration of such periods by local law or ordinance provided that no such period shall be less than three days, except that where notice to the owner is given by mail, no such period shall be less than seven days.
9. The seizure of any dog shall not relieve any person from any violation provided for by section 55-14 of this article.
10. No liability in damages or otherwise shall be incurred by the Town of Philipstown, its officers, agents or employees on account of the seizure, or adoption of any dog pursuant to the provisions of this article.

§ 55-13. Animal population control program. New York State Department of Agriculture and Markets shall submit a request for proposals from not-for-profits entities as described herein for the purpose of administering a state animal

population control program. The entity chosen to administer such program shall enter into a contract with the State for a term of five years, which may be renewed subject to the approval of the commissioner. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats thereby reducing incidence of euthanasia and potential threats to public health and safety posed by the large population of these animals. This program shall seek to accomplish its purpose by encouraging residents who are the owners of dogs and cats to have them spayed or neutered by providing low-cost spaying and neutering services to such owners meeting the criteria enumerated in subdivision three of this section. For purposes of this section "low-cost" shall mean substantially less than the average cost in the Town of Philipstown for spaying and neutering services, including any and all ancillary charges for services, included, but not limited to, pre-surgical examinations, tests and immunizations, and other services related to the spay or neuter procedure. All veterinary services, provided pursuant to this section must be performed by a veterinarian licensed in this state.

§ 55-14. Violations.

1. It shall be a violation, punishable as provided in subdivision two of this section, for:
 - (a) any owner to fail to license any dog;
 - (b) any owner to fail to have any dog identified as required by this article;
 - (c) any person to knowingly affix to any dog any false or improper identification tag, special identifications tag for identifying guide, service or hearing dogs or purebred license tag;
 - (d) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;
 - (e) any person to furnish any false or misleading information on any form required to be filed pursuant to the provisions of this article or rules and regulations promulgated pursuant thereto;
 - (f) 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;
 - (g) the owner or custodian of any dog to fail to notify the Town of Philipstown in which his or her dog is licensed of any change of ownership or address as required by section 55-7 of this article;
 - (h) any owner to permit or allow a dog to;
 - (1) run at large.
 - (2) be off the owner's property unless leashed.
 - (3) conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of the dog.
 - (4) bark, howl or whine for 10 minutes or more continuously, between 7 am and 10 pm, or for 5 minutes or more continuously between 10 pm and 7am.

- (5) cause damage or destruction to public or private property or defecate, urinate, or otherwise commit a nuisance upon the property of other than the owner or harbinger of the dog.
- (6) bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- (7) chase, leap on or otherwise harass bicycles or motor vehicles.
- (8) kill or injure any dog, cat or other household pet.
- (9) upset or otherwise interfere with garbage receptacles.
- (10) be licensed when six months of age or older.
- (11) not have a current and valid New York State identification tag on its collar while at large, whether or not restrained by an adequate leash.

- (i) any owner to not confine all female dogs to the premises of their owners while such are in heat or to allow them to be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Control Officer and removed to a safe place of confinement.
- (j) any person in the Town of Philipstown to torture, torment, deprive of necessary sustenance or shelter, unnecessarily or cruelly beat, needlessly mutilate or otherwise abuse or kill a living animal or creature. Any animal so treated shall be impounded by the Dog Control Officer.
- (k) any owner to permit or allow a premise occupied or used by dogs to be kept in an unclean or unsanitary condition.
- (l) any owner to fail to provide adequate food, water, space or shelter and any dog subjected to such treatment or conditions shall be subject to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises.

2. It shall be the duty of the Dog Control Officer to bring an action against any person who has committed within the Town of Philipstown any violation set forth in subdivision one of this section. The Town of Philipstown may elect either to prosecute such action as a violation under the penal law or to commence an action to recover a civil penalty.

A violation of this chapter shall be punishable, subject to such an election, either:

- (a) where prosecuted pursuant to the penal law,
 - (1) any person who violates this chapter or knowingly permits the violation of same shall be guilty of a violation, punishable by a fine not exceeding \$250.00 or by imprisonment for a period not to exceed 15 days, or both.

- (2) however, any person who is found to have violated this chapter or former Article 7 of the Agriculture and Markets Law once before within the preceding 5 years shall be punishable by a fine not exceeding \$500.00 or by imprisonment for a period not to exceed 15 days, or both, and
 - (3) any person who is found to have violated this chapter or former Article 7 of the Agriculture and Markets Law twice or more before within the preceding 5 years shall be punishable by a fine not exceeding \$750.00 or by imprisonment for a period not to exceed 15 days, or both.
- 3. A defendant charged with a violation of any provision of this article or any local law or ordinance promulgated pursuant thereto may plead guilty to the charge in open court. He or she may also submit to the magistrate having jurisdiction, in person, by duly authorized agent, or by registered mail, a statement
 - (a) that he or she waives arraignment in open court and the aid of counsel,
 - (b) that he or she pleads guilty to the offense charged,
 - (c) that he or she elects and requests that the charge be disposed of and the fine or penalty fixed by the court,
 - (d) of any explanation that he or she desires to make concerning the offense charged, and
 - (e) that he or she makes all statements under penalty of perjury.

Thereupon the magistrate may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If upon receipt of the aforesaid statement the magistrate shall deny the same, he or she shall thereupon notify the defendant of this fact, and that he or she is required to appear before the said magistrate at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of the law.
- 4. Any person who intentionally refuses, withholds, or denies a person because he or she is accompanied by an on-duty police work dog, working search, war or detection dog as defined in section 55-3 of this article, any accommodations, facilities or privileges thereto shall be subject to a civil penalty of up to two hundred dollars for the first violation and up to four hundred dollars for each subsequent violation.
- 5. Any person who for the purpose of participating in the animal population control program shall falsify proof of adoption from a pound, shelter, duly incorporated society or duly incorporated dog or cat protective association

or who shall furnish any licensed veterinarian of this state with inaccurate information concerning his or her residency or the ownership of an animal or such person's authority to submit an animal for a spaying or neutering procedure pursuant to section 55-13 of this article, and any veterinarian who shall furnish false information concerning animal sterilization fees shall be guilty of a violation punishable by a fine of not less than two hundred fifty dollars where prosecuted pursuant to the penal law, or where prosecuted as an action to recover a civil penalty of not more than two hundred fifty dollars.

§ 55-15. Disposition of Fines. Notwithstanding any other provision of law, all moneys collected as fines or penalties as a result of any prosecution for violations of the provisions of this article or any local law or ordinance and all bail forfeitures by persons charged with such violations shall be the property of the Town of Philipstown and shall be paid to the financial officer of said Town. Such moneys shall be used only for controlling dogs and enforcing this article and any rule, regulation, or local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under section one hundred sixteen of this article used therefore, and subsidizing public humane education programs in responsible dog ownership.

§ 55-16. Protection of deer.

1. Whenever the Town Board of the Town of Philipstown shall determine that the deer population in the Town of Philipstown or part thereof is suffering severe depredation due to dogs attacking, chasing or worrying deer, the Town Board may by order require that all dogs in the Town of Philipstown or part thereof shall be securely confined during the period of time designated in the order, or if no time is designated, until the order is revoked.
2. Notice of such order shall be given by publication in a newspaper or newspapers of general circulation in the Town of Philipstown, which shall be designated by the Town of Philipstown and by filing a copy of the order in the office of each clerk in the area affected by such order. Such order shall be in full force and effect at the expiration of twenty-four hours following publication of such notice.
3. If any dog is not confined as required by such order, the Dog Control Officer acting pursuant to this special duties, or police officer shall seize such dog. Any dog so seized shall be subject to the provisions of section one hundred eighteen of this article. A dog shall not be deemed to be in violation of such order if accompanied by and under the full control of the owner.
4. If any dog, which is not confined as required by such order, shall attack, chase or worry any deer, the Dog Control Officer, acting pursuant to his

special duties, or police officer upon witnessing the same, shall destroy, or seize and destroy, such dog, and no liability in damages or otherwise shall be incurred on account of such destruction.

5. If any dog shall kill or cripple any deer, the owner shall be subject to a civil penalty in the amount of one hundred dollars for the first deer killed or crippled by the dog or by the pack of dogs, if any, of which the dog was a member, and in the amount of one hundred fifty dollars for each additional deer killed or crippled, to be recovered in an action brought by the Commissioner of Environmental Conservation on behalf of the people of the State of New York.
6. This section and any order issued pursuant thereto shall not apply to dogs in special dog training areas or shooting preserves enclosed and licensed pursuant to the provisions of the Environmental Conservation Law, while such dogs are under the control of the owner or trainer.

§ 55-17. Dangerous dogs.

1. Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may make a complaint of an attack or threatened attack upon a person, companion animal as defined in section three hundred fifty of the Agriculture and Markets Law, farm animal as defined in such section three hundred fifty, or a domestic animal as defined in subdivision seven of section 55-3 of this article to the Dog Control Officer or Police Officer of the Town of Philipstown. Such officer shall immediately inform the complainant of his or her right to commence a proceeding as provided in the subdivision two of this section and, if there is a reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding himself or herself.
2. Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may, and any Dog Control Officer or Police Officer as provided in subdivision one of this section shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack or threatened attack. Thereupon, the judge or justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any Dog Control Officer, acting pursuant to his or her special duties, or Police Officer, acting pursuant to his or her special duties, or Police Officer directing such officer to immediately seize such dog and hold the same pending judicial determination as provided in this section. Whether or not the judge or justice finds there is probable cause for such seizure, he or she shall within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint. The petitioner shall have the burden at such hearing to prove the dog is a "dangerous dog" by clear and convincing evidence. If satisfied that the

dog is a dangerous dog, the judge or justice shall then order neutering or spaying of the dog, microchipping of the dog and one or more of the following as deemed appropriate under the circumstances and as deemed necessary for the protection of the public:

- (a) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this section;
 - (b) secure, humane confinement of the dog for a period of time and in a manner deemed appropriate by the court but in all instances in a manner designed to: (1) prevent escape of the dog, (2) protect the public from unauthorized contact with the dog, and (3) to protect the dog from the elements pursuant to section three hundred fifty-three-b of the Agriculture and Markets Law. Such confinement shall not include lengthy periods of tying or chaining;
 - (c) restraint of the dog on a leash by an adult of at least twenty-one years of age whenever the dog is on public premises;
 - (d) muzzling the dog whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration; or
 - (e) maintenance of a liability insurance policy in an amount determined by the court, but in no event in excess of one hundred thousand dollars for personal injury or death resulting from an attack by such dangerous dog.
3. Upon a finding that a dog is dangerous, the judge or justice may order humane euthanasia or permanent confinement of the dog if one of the following aggravating circumstances is established at the judicial hearing held pursuant to subdivision two of this section:
- (a) the dog, without justification, attacked a person causing serious physical injury or death; or
 - (b) the dog has a known vicious propensity as evidenced by a previous unjustified attack on a person, which caused serious physical injury or death: or
 - (c) the dog, without justification, caused serious physical injury or death to a companion animal, farm animal or domestic animal, and has, in the past two years, caused unjustified physical injury or death to a companion or farm animal as evidenced by a "dangerous dog" finding pursuant to the provisions of this section.

An order of human euthanasia shall not be carried out until expiration of the thirty day period provided for in subdivision five of this section for filing a notice of appeal, unless the owner of the dog has indicated to the judge in writing, his or her intention to waive his or her right to appeal. Upon

filing of a notice of appeal, the order shall be automatically stayed pending the outcome of the appeal.

4. A dog shall not be declared dangerous if the court determines the conduct of the dog
 - (a) was justified because the threat, injury or damage was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog or upon the property of the owner or custodian of the dog;
 - (b) was justified because the injured, threatened or killed person was tormenting, abusing, assaulting or physically threatening the dog or its offspring, or has in the past tormented, abused, assaulted or physically threatened the dog or its offspring;
 - (c) was justified because the dog was responding to pain or injury, or was protecting itself, its owner, custodian, or a member of its household, its kennels or its offspring; or was justified because the injured, threatened or killed companion animal, farm animal or domestic animal was attacking or threatening to attack the dog or its offspring. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert shall be relevant to the court's determination as to whether the dog's behavior was justified pursuant to the provisions of this subdivision.
5. (a) The owner of a dog found to be a "dangerous dog" pursuant to this section may appeal such determination, and/or the court's order concerning disposition of the dog to the court having jurisdiction to hear civil appeals in the county where the "dangerous dog" finding was made. The owner shall commence such appeal by filing a notice of appeal with the appropriate court within thirty days of the final order pursuant to this section. Court rules governing civil appeals in the appropriate jurisdiction shall govern the appeal of a determination under this section.
(b) Upon filing a notice of appeal from an order of humane euthanasia pursuant to this section, such order shall be automatically stayed pending final determination of any appeal. In all other circumstances, the owner of the dog may make application to the court to issue a stay of disposition pending determination of the appeal.
6. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog or hearing dog causing physical injury shall be subject to a civil penalty not to exceed four hundred dollars in addition to any other applicable penalties.
7. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person causing serious physical injury shall be subject to a civil penalty not to exceed one thousand five hundred dollars in addition to any other applicable penalties. Any such penalty may be

reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, lost earnings and other damages resulting from such injury.

8. The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to this article, to bite a person causing serious physical injury, shall be guilty of a misdemeanor punishable by a fine of not more than three thousand dollars, or by a period of imprisonment not to exceed ninety days, or by both such fines and imprisonment in addition to any other applicable penalties. Any such fine may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, last earnings and other damages resulting from such injury.
9. If any dog, which had previously been determined by a judge or justice to be a dangerous dog, as defined in section 55-3 of this article, shall without justification kill or cause the death where he or she may lawfully be, regardless of whether such dog escapes without fault of the owner, the owner shall be guilty of a class A misdemeanor in addition to any other penalties.
10. The owner or lawful custodian of a dangerous dog shall, except in the circumstances enumerated in subdivisions four and eleven of this section, be strictly liable for medical costs resulting from injury caused by such dog to a person, companion animal, farm animal or domestic animal.
11. The owner shall not be liable pursuant to subdivision six, seven, eight, nine or ten of this section if the dog was coming to the aid or defense of a person during the commission or attempted commission of a murder, robbery, burglary, arson, rape in the first degree as defined in subdivision one or two of section 130.35 of the penal law, criminal sexual act in the first degree as defined in subdivision one of two of section 130.50 of the penal law or kidnapping within the dwelling or upon the real property of the owner of the dog and the dog injured or killed the person committing such criminal activity.
12. Nothing contained in this section shall limit or abrogate any claim or cause of action any person who is injured by a dog with a vicious disposition or a vicious propensity may have under common law or by statute. The provisions of this section shall be in addition to such common law and statutory remedies.
13. Nothing contained in this section shall restrict the rights and powers

derived from the provisions of title four of article twenty-one of the public health law relating to rabies and any rule and regulation adopted pursuant thereto.

14. Persons owning, possessing or harboring dangerous dogs shall report the presence of such dangerous dogs pursuant to section two hundred nine-cc of the general municipal law.

§ 55-18. Exemption from civil liability.

1. If any dog shall, without justification, attack a person, or behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury to a person, when such person is peaceably conducting himself in a place where he may lawfully be, such person or any other person witnessing the attack or threatened attack may destroy such dog while so attacking, and no liability in damages or otherwise shall be incurred on account of such destruction.
2. If any dog shall, without justification, attack a companion animal, farm animal or domestic animal, or shall behave in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a companion animal, farm animal or domestic animal, where such animal is in any place where it may lawfully be, the owner or caretaker of such animal, or any other person witnessing the attack, may destroy such dog, and no liability in damages or otherwise shall be incurred on account of such destruction.

§ 55-19. Offenses against service animals and handlers.

1. Definitions. For the purpose of this section:
 - (a) "Service animal" shall mean any animal that has been partnered with a person, who has a disability and has been trained or is being trained, by a qualified person, to aid or guide a person with a disability.
 - (b) "Disability" shall have the same meaning as provided in section two hundred ninety-two of the executive law.
 - (c) "Handler" shall mean a disabled person using a service animal.
 - (d) "Formal training program" or "certified trainer" shall mean an institution, group or individual who has documentation and community recognition as a provider of service animals.
2. Any person who owns an animal or possesses control of such animal and who, through any act of omission, recklessly permits his or her animal to interfere with the proper working of a service animal, exposing the handler and service animal to danger or resulting in injury or death of the service animal shall be subject to a civil penalty not to exceed one thousand dollars in addition to any other applicable penalties.

3. Any person who owns an animal or possesses control of such animal and who, through any act or omission, recklessly permits his or her animal to interfere with the proper working of a service animal, exposing the handler and service animal to danger or resulting in injury or death of the service animal, where the animal causing such injury has previously been determined to be dangerous pursuant to this article, shall be guilty of a violation punishable by a fine of not more than two thousand dollars, or by a period of imprisonment not to exceed fifteen days, or by both such fine and imprisonment in addition to any other applicable penalties.
4. The handler of the service animal incapacitated, injured or killed shall have the right to pursue any and all civil remedies available to recover damages for medical and veterinary expenses, rehabilitation or replacement of the service animal, and lost wages, transportation expenses or other expenses directly related to the temporary or permanent loss of the service animal.

Section 3. Effective Date.

This Local Law shall take effect on January 1, 2011, after its adoption and filing in the Office of the New York State Secretary of State.