

VILLAGE OF GREENWICH

Local Law No. 2 of the year 2012

A local law entitled “Amendment to Animal Control Law of the Village of Greenwich, Local Law No. 1 of 2004”

Be it enacted by the Board of Trustees of the Village of Greenwich as follows:

Section 1 – Title. Local Law No. 2 is entitled “Amendment to Animal Control Law of the Village of Greenwich, Local Law No. 1 of 2004”.

Section 2 – Amendment. This law amends Local Law No. 1 of 2004.

Section 3 – Enacting Clause. This amendment to a local law is adopted pursuant to the authority granted under (1) New York State Village Law §4-412(1); New York Municipal Home Rule Law §§10(1)(i) and 10(1)(a)(11) and (12); and New York Agriculture and Markets Law §124.

Section 4 – Effective Date. These Regulations shall take effect upon filing with the Secretary of State.

ARTICLE 1

GENERAL PROVISIONS

Section 1.1 – Statutory Authority. This Local Law is enacted pursuant to the authority of: (a) Municipal Home Law (“MHRL”) § 10(1)(i), which authorizes a village to adopt a local law not inconsistent with the provisions of the Constitution or not inconsistent with any general law relating to its property, affairs or government; and (b) MHRL § 10(1)(a)(11) and (12), which authorize a village to adopt a local law relating to the protection and enhancement of its physical and visual environment and the government, protection, order, conduct, safety, health and well-being of persons or property therein; and (c) Village Law §4-412(1), which authorizes a Village to enact local laws protecting the health, safety, morals or general welfare of the inhabitants of the Village, the protection of their property and the preservation of peace and good order; and (d) Agriculture and Markets Law §124 which authorizes a Village to enact local laws regarding the keeping or running at large of dogs, and the seizure thereof.

Section 1.2 – Legislative Findings and Intent. The safety, health, comfort, and welfare of Village residents, the preservation and protection of their real and personal property and the maintenance of a healthful and clean environment are matters of vital concern to the Board of Trustees. The Board of Trustees has determined that the running large and other uncontrolled behavior of dogs, cats and other household pets and the unrestricted possession of animals in general have caused physical harm to persons, damage to property and injury to the environment. It is the intent of the Board of Trustees, in the enactment of this Local Law, to protect public and private property, safeguard public health and improve the quality of the environment by limiting the number and type of animals which may be owned or possessed and by imposing restrictions on those persons owning or possessing animals within the Village.

Section 1.3 – Definitions. Unless otherwise expressly provided, for the purpose of this Local Law the following words shall have the meanings herein indicated:

Section 1.3-1 Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as the effective date of this local law, as amended by this local law, and as amended thereafter.

Section 1.3-2 Adult. An animal three (3) months of age or older.

Section 1.3-3 Animal. Any sentient living organism typically capable of voluntary motion and sensation, as distinguished from human beings and vegetable life.

Section 1.3-4 Animal Control Officer. Any person authorized by the Board of Trustees in the Village of Greenwich to enforce the provisions of this local law or the provisions of Article 7 of Warden' as set forth in this Local Law. Whenever the terms "Dog Control Officer" or "Dog Warden" are used in this Local Law they shall mean the "Animal Control Officer."

Section 1.3-5 Cat. A domesticated, carnivorous animal, whether male or female, of the species *Felis domesticus*.

Section 1.3.6 Confined. That such animal is securely confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

Section 1.3.7 Control. That the animal will respond to the command, order or signal of the owner or other responsible person and that then owner or other responsible person shall at all times, by his command, order or signal, prevent his animal from bothering, worrying or annoying, chasing or barking at any person or animal.

Section 1.3-8 Dangerous Dog. A dog which meets the definition of "Dangerous Dog" contained in Section 121 of the Agriculture and Markets Law.

Section 1.3-9 Dead Animal. Includes all dead animals, skinned or unskinned, dressed or undressed, slaughtered or unslaughtered, which may have died from disease, accident or causes other than slaughter for use as food.

Section 1.3-10 Dog. A domesticated carnivorous animal, whether male or female, of the species *Canis familiaris*.

Section 1.3-11 Dog Control Officer/Dog Warden. Whenever the terms "Dog Control Officer" or "Dog Warden" are used in this Local Law they shall mean the "Animal Control Officer."

Section 1.3-12 Domesticated. Shall mean any animal kept in or about the residence of the owner which is not vicious, dangerous or otherwise obnoxious, objectionable or offensive.

Section 1.3-13 Habitual. Barking, whining, howling, crying, growling or whimpering for repeated intervals of at least five (5) minutes with less than two (2) minutes of interruption which can be heard by any person, including a law enforcement officer or dog control officer from a location outside of the owner's or caretaker's premises.

Section 1.3-14 Harbor. To provide food or shelter to any animal.

Section 1.3-15 Homeless or Abandoned Cat. Any cat found outdoors which does not wear a form of identification required by Section 4.1-2 hereof.

Section 1.3-16 Lawfully Conducted Village Farming or Agricultural Activity. A farming activity or agricultural activity which complies with, and is permitted by, the Greenwich Village Zoning

Ordinance as a permitted use, a special permitted use, a use authorized by variance or a lawful prior non-confirming use.

Section 1.3-17 Outdoors. Any unsecured portion of premises in which an animal can move at will.

Section 1.3-18 Owner. Every person having a right of property in an animal and every person who has an animal in his or her keeping or who harbors an animal, or the adult member or members of a family in which a minor owner of an animal resides.

Section 1.3-19 Owner of Record. The person in whose name the dog or other animal was last licensed pursuant to Article 7 of the New York State Agricultural and Markets Law, or such other statute or law requiring the licensing of an animal.

Section 1.3-20 Pack. Three or more dogs.

Section 1.3-21 Person. One or more natural persons of either sex, corporations, trusts, partnerships, associations (except those specifically authorized by law to perform any act which may be prohibited by this Local Law), limited liability companies and any other entity capable of suing or being sued.

Section 1.3-22 Possessor. A person having custody or control of any animal.

Section 1.3-23 Production Animal. A dairy cow, beef cow, horse, pony, chicken, goat, sheep, pig, alpaca or llama.

Section 1.3-24 Public Property. An area or place to which the public or a substantial group of persons has access, including, but not limited to, sidewalks, walks, any unimproved or unpaved space lying between the roadway and property line, streets, roads, avenues, boulevards, drives courts or driveway aprons, parking fields and all parts of the borders thereof, public buildings and the floors, walkways, hallways, entrances and exits thereof, and open areas surrounding the same, playgrounds, parks, fields, schools, places of amusement and all squares and open areas owned by the Village of Greenwich or any other governmental entity.

Section 1.3-25 Runs at Large. An animal shall be deemed to be running at large if it is elsewhere than on the premises of the owner while not under the Control of the Owner or the Owner's agent and without the knowledge consent or approval of the owner of such lands.

Section 1.3-26 Unidentified Cat. Any cat found outdoors which does not wear a form of identification required by Section 4.1-2 hereof.

Section 1.3.27 Vicious Dog. Any dog either owned, harbored or trained primarily or in part for the purpose of dog fighting; or owned, harbored or trained primarily or in part for the purpose of attacking a human being or domestic animal upon command; or known by the owner to be, or characteristically identifiable as, in whole or in part any breed known by the common term "pitbulls", which shall be deemed to include dogs wholly or partly of any one or more of the breeds more formally recognized and severally referred to as "American Staffordshire Terrier", "American Pitbull Terrier", "Bull Terrier", and/or "Staffordshire Bull Terrier."

Section 1.4 Presumptions. The following presumptions shall apply in connection with the enforcement of this Local Law:

Section 1.4-1 The fact that a dog is without a tag attached to a collar, as provided by Article 7 of the New York State Agriculture and Markets Law, shall be presumptive evidence that the dog is unlicensed.

Section 1.4-2 The person who last obtained a license for a dog pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law, shall be presumed, for the purpose of this Local Law, to be the owner of such dog.

Section 1.4.3 For purposes of this Local Law, it shall be presumed that any unlicensed dog harbored in a one family dwelling is owned by all adults residing in the one family building.

Section 1.4-4 For purposes of tis Local Law, it shall be presumed that any Unidentified Cat harbored in a one family dwelling is owned by all adults residing in the one family dwelling.

Section 1.5 Construction and Scope. In the interpretation and application of this Local Law, its provisions shall be construed as follows:

Section 1.5-1 Singular/Plural. Any term in the singular shall include the plural and vice versa.

Section 1.5-2 Masculine/Feminine. Any term in the masculine shall include the feminine and neuter.

Section 1.5-3 Aiding or Abetting. Any requirement or prohibition of this law shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly of such act.

Section 1.5-4 Territorial Scope. This Local Law shall apply to all premises situated within the corporate limits of the Village of Greenwich.

Section 1.6 Limitation of Liability. No liability shall be imposed upon the Village of Greenwich, nor upon any employee, official or agent of the Village of Greenwich, acting pursuant to the provisions of this Local Law, for the seizure, impoundment or destruction of any animals pursuant to the provisions of this Local Law.

Section 1.7 Validity of Law. If any term or provision of this Local Law, or the application thereof to any person or circumstance, shall to any extent be declared by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Local Law, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Local Law shall be valid and be enforced to the fullest extent permitted by law.

Section 1.8 Effective Date. This Local Law shall take effect immediately upon adoption and filing with the Secretary of State, as provided in §27(3) of the Municipal Home Rule Law of the State of New York.

Section 1.9 Repealer. All ordinances, local laws, resolutions, rules or regulations of the Village of Greenwich, and parts thereof, which are inconsistent with this local law are hereby repealed and superseded to the extent of such inconsistency; provided, however, that such repeal shall not affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, imposed and/or inflicted as fully, to the same extent and with the same legal force and effects as if such repeal had not been effected.

Section 1.10 Penalties. Upon conviction, a violation of this local law shall be deemed an offense and punishable by a fine not exceeding One Hundred Dollars (\$100.00) for the first offense, and Two Hundred and Fifty Dollars (250.00) for each offense thereafter; or imprisonment for not more than fifteen (15) days, or both. Each day that a violation of this local law occurs or continues shall constitute a separate and distinct violation.

Section 1.11 Alternative Enforcement Permitted. The imposition of the penalties herein prescribed shall not preclude the Village Attorney from instituting an appropriate action or proceeding to obtain injunctive relief against any owner of an animal which violates the provisions of this law. The enactment of this local law or any prosecution hereunder shall not be deemed to prohibit an action for the recovery of damages or penalties under Article 7 of the Agriculture and Markets Law.

Section 1.12 Title. The title of this local law shall be “Animal Control Law of the Village of Greenwich.”

Section 1.13 Adjustment of Fees. The fees which are prescribed throughout this Local Law may be reviewed, revised and adjusted from time to time by resolution of the Board of Trustees of the Village of Greenwich.

ARTICLE 2

KEEPING OF ANIMALS

Section 2.1 Permitted Animals. No person shall own, harbor, possess or otherwise maintain or permit to be owned, harbored, possessed or maintained within the Village of Greenwich any animal of any type or description, except the following domesticated animals as household pets:

- (a) **Household Pets.** The following domesticated animals, if kept as household pets:
 - i. Adult Dogs, up to a maximum of five (5) per household
 - ii. Adult Cats, up to a maximum of five (5) per household
 - iii. Parakeets, canaries, parrots, mynahs, gerbils, hamsters, rabbits and/or turtles
 - iv. Tropical Fish
 - v. One litter of Dogs under the age of three (3) months
 - vi. One litter of Cats under the age of three (3) months
- (b) **School Animals.** Animals which are owned, harbored, possessed or maintained by or at the Greenwich Central School for scientific or educational purposes.
- (c) **Pet Store Animals.** Animals which are owned, harbored, possessed or maintained by or at any commercial business establishment which is lawfully located and operated in the Village as a pet store.
- (d) **Transported Animals.** Animals which are transported through the Village, if securely confined in a crate or other container or so restrained in a vehicle that they cannot be expected to escape therefrom.
- (e) **Agricultural Use Animals.** Production Animals which are harbored, possessed, kept or maintained as part of a Lawfully Conducted Village Farming or Agricultural Activity.
- (f) **Circus Animals.** Animals which temporarily harbored, possessed, kept or maintained in the Village of Greenwich by a traveling circus, carnival or other exhibit or show for exhibition to the public, if securely confined in a crate or other container or so restrained that they cannot be expected to escape.

- (g) Veterinary Hospital Animals. Animals which are harbored, possessed, kept or maintained by, or under the supervision of a New York State licensed Veterinarian at any animal hospital, clinic, shelter or similar facility which is lawfully located and operated in the Village of Greenwich.

Section 2.2 Special Exception Permits. Any person who is desirous of owning, harboring, possessing or maintaining any animal within the Village of Greenwich which does not fall within the category of animals permitted to be owned or possessed under Section 2.1 of this Local Law, may apply to the Animal Control Officer for a special exception permit allowing the ownership or possession of such animal, either on a temporary or permanent basis. The Animal Control Officer, upon receiving an application for such a permit, shall consider the following factors:

- (a) the type, size, nature and temperament of the animal;
- (b) whether the animal is tame or ferocious in disposition, either by nature or training;
- (c) whether the animal is domesticated or feral;
- (d) whether the animal is dangerous to persons, property or the environment or is likely to become a public or private nuisance;
- (e) whether the animal can be suitably housed, fed, sheltered and cared for;
- (f) whether the animal is susceptible to dangerous disease or infection or may be a carrier of disease, rabies, or other contagious illness affecting humans, livestock or pets;
- (g) the purposes for which such animal is desired to be kept;
- (h) whether possession or ownership of such animal is prohibited, restricted or otherwise regulated or licensed by statute, ordinance, treaty or other legal enhancement;
- (i) the size, configuration, location, nature and condition of the property where the animal is to be housed, fed, sheltered and cared for (including, without limitation, the zoning designation of the property, the nature of existing property uses in the neighborhood where the property is located and the presence or absence of physical features which will serve to protect surrounding use from negative environmental or aesthetic impacts resulting from the presence of the animal(s));
- (j) whether suitable provisions are made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris;
- (k) whether the keeping of the animal will, or is likely to, result in a nuisance, harm the surrounding neighborhood, unreasonably disturb the peace and quiet of the surrounding neighborhood, create or cause offensive odors or constitute a danger to public health;
- (l) whether, in the case of an animal deemed to have dangerous propensities, the applicant maintains liability insurance coverage for bodily injuries or property damage caused by the animal, in amounts of not less than \$100,000.00 per occurrence.

Section 2.2-1 In the event that the Animal Control Officer finds the ownership and possession of the animal will not threaten the public health, safety, comfort or welfare, either directly or indirectly, that the same is not otherwise unlawful, but serves a legitimate purpose not in conflict with the policies of this local law, and that suitable provisions have been made by the applicant for the proper care of the animal, he may issue a written permit to the person applying therefore and may impose such other conditions he deems necessary or desirable in

the use of such permit, including, without limitation, a limitation upon the duration of such permit.

Section 2.2-2 The issuance of a special exemption permit in one instance, shall not obligate the Animal Control Officer to issue a special exception permit in any other instance.

Section 2.2-3 Any special exception permit issued pursuant to the provisions of this Local Law shall be deemed to constitute a license or privilege, and shall not be considered a property interest; nor shall such permit be transferable from one person to another person or place.

Section 2.2-4 Any special exception permit issued pursuant to this Local Law may be suspended, modified or revoked by either the Animal Control Officer or the Board of Trustees at any time upon written determination and written notice to the person holding the special exception permit that (1) an animal is not being properly fed, sheltered or cared for; or (2) the terms or conditions of the special exception permit are not being strictly complied with; or (3) the continuation of such permit would adversely affect the public health, safety, comfort or welfare of the inhabitants of the Village of Greenwich, or their property. Said notice shall be sent by certified mail, return receipt requested. Within ten (10) days of the mailing of said notice, the person holding the special exception permit may appeal the suspension, modification or revocation by filing a written petition with the Village Clerk. The petition shall specify the grounds for reversing the determination of the Animal Control Officer or Board of Trustees. The Board of Trustees shall then hold a public hearing to decide the appeal.

Section 2.3 Procedure for Issuance of Special Exception Permit

Section 2.3-1 Application. The application for a Special Exception Permit shall be made on a form prescribed by the Board of Trustees and filed with the Village Clerk. The application shall contain, at a minimum, the following information, and no application shall be considered or acted upon that does not contain this information:

- (a) Name, address and age of applicant (applicants must be eighteen (18) years of age.
- (b) Statement of ownership of the property upon which the animal is to be kept, executed by the Owner of the property under penalty of perjury. Where the property is not owned by the applicant, the application must include the written consent of the owner of the property to the issuance of the requested permit.
- (c) Description of the property upon which the animal is to be kept, including the legal description and address, the tax map number of the property and common means of identification (e.g., the street address).
- (d) Map of the boundaries of the boundaries of the property and each separate lot or parcel within three hundred feet (300') of the exterior boundaries of the same; together with a list of the names and addresses of the last known owners of public record of each parcel.
- (e) A statement indicating the precise manner of compliance with each of the applicable provisions of this Local Law, together with any other information pertinent to factors prerequisite to the granting of a permit, prescribed in Section 2.2 of this Local Law.
- (f) In the case of an application for a permit to keep an animal which is to be kept or sheltered outside the applicant's dwelling, an accurate scale drawing of the property showing the locations of any existing streets, property lines, uses, structures, driveways, sidewalks, off-street parking and landscaped areas, and identifying all enclosures, structures, pastures, runs, pens, fences or other facilities which will be used in

connection with the care, boarding, feeding and use of the animal for which the permit is applied for.

- (g) Such other information, plans, maps, diagrams and data as may be necessary to assure full presentation of pertinent facts for the record and assist the Animal Control Officer in making a determination.

Section 2.3-2 Fee. Each application must be accompanied by a non-refundable fee, payable to the Village Clerk, in such amount as has been prescribed by the Board of Trustees pursuant to Section 1.13 of this Local Law.

Section 2.3-3 Notice to Adjacent Property Owners. Upon receipt of a completed application and application fee as above provided, the Village Clerk shall furnish written notice of the pending application to the adjacent owners identified in the application. Such notice shall inform the adjoining property owners of their right to inspect the application at the Village Clerk's Office (or, upon paying the applicable fee, to have a copy of the application mailed to them) and to submit written comments to the Village Clerk by the date stated in the notice (which date shall not be less than fourteen (14) calendar days, nor more than twenty (20) calendar days after the date that the notice is mailed by the Village Clerk). The notice shall expressly indicate that only written comments will be considered by the Animal Control Officer in determining whether the application should be granted or denied.

Section 2.3-4. Notice to Board of Trustees. Upon receipt of a completed application and application fee as above provided, the Village Clerk shall furnish written notice of the pending application to each member of the Board of Trustees. Such notice shall inform the members of the Board of their right to inspect the application at the Village Clerk's Office (or upon request, to have a copy of the application mailed to them) and to submit written comments to the Village Clerk by the date stated in the notice (which date shall be not less than fourteen (14) calendar days, nor more than twenty (20) calendar days after the date that the notice was mailed to the Village Clerk). The notice shall expressly indicate that only written comments will be considered by the Animal Control Officer in determining whether the application should be granted or denied.

Section 2.3-5. Determination by Animal Control Officer. After the time for comments by adjoining property owners has ended, the Village Clerk shall transmit to the Animal Control Officer the completed application and all written comments which have been received in connection therewith. The Animal Control Officer shall then cause an investigation to be made into the merit of the application, which shall include an inspection of the property where the animal is to be kept. The Animal Control Officer may, in his discretion, also consult with and seek the advice of the Society for the Prevention of Cruelty to Animals, the humane society, any representative of the County Department of Public Health, or any other individual, agency, organization or society which may be able to provide information and advice concerning the keeping of animals of the kind in question. Following the completion of his investigation and in any event, not later than the fifteenth (15th) calendar day following his receipt of the completed application from the Village Clerk – the Animal Control Officer shall issue a decision to grant or deny a Special Exception Permit to the applicant, either with or without conditions, and shall file such decision with the Village Clerk.

Section 2.3-6. Notification of Decision; Right of Appeal. Upon receiving the determination of the Animal Control Officer, the Village Clerk shall promptly transmit by mail a copy of the determination to the applicant, to the members of the Board of Trustees and to each adjoining property owner that submitted written comments with respect to the application. Within ten (10) days of the mailing of such notice of determination, an aggrieved applicant or resident may appeal the decision of the Animal Control Officer to the Board of Trustees by filing a written petition with the Village Clerk. The Board of Trustees shall then hold a public hearing to consider whether a permit should be granted. In the event that the Board of Trustees determines that a permit should be issued, a written permit shall be drafted containing such conditions as the Board of Trustees deems necessary for the protection of the health and safety of Village residents and their property, and the health and safety of the animal which is the subject of the application.

Section 2.4. Enforcement.

Section 2.4-1 Enforcement Officers. The Board of Trustees of the Village of Greenwich may, from time to time, appoint any official, person or agency, acting under the auspices of the Greenwich Village Police Department, to enforce the provisions of this Article II of this local law. This Article II may be enforced by any persons so appointed or designated, by any persons authorized to enforce the provisions of Article III of this local law, and by any police officer, peace officer, designated representative of the Department of Agriculture and Markets or agent or officer of any duly incorporated society for the prevention of cruelty to animals, who are hereby fully authorized to issue appearance tickets to any person found violating or permitting the violation of the terms and provisions of this Article II of this Local Law.

Section 2.4-2 Authority of Enforcement Officers. The persons mentioned in Section 2.3-1 above, are hereby authorized to:

- (a) Enforce any provision of this Local Law within the Village of Greenwich;
- (b) Cooperate with and work in conjunction with the Greenwich Village Police Department, so as to enforce the provisions of this Local Law and the provisions of any applicable state statute in the Village of Greenwich;
- (c) When there is a violation of this Local Law or the state statutes in the Village of Greenwich, issue a summons and/or appearance ticket in the appropriate court;
- (d) Seize, contain and impound any animals which are owned, kept or harbored in violation of Section 2.1 of this Local Law;
- (e) Appear in Village Court when requested by the Village Attorney, so as to prosecute any violations of this Local Law;
- (f) Enforce all provisions of the Agriculture and Markets Law of the State of New York which may lawfully be enforced in the Village; and
- (g) Aid and assist in the filing of complaints.

Section 2.4-3 Records. It shall be the responsibility of the Dog Control Officer to maintain accurate records and to complete and submit the following records to the Mayor and the Board of Trustees on a monthly basis.

- (a) A listing of all complaints received of violations of this Article II, including the name, address and phone numbers of each complainant, and the type of complaint and the resolution of each complaint;
- (b) A separate log of each official action taken in each case;
- (c) A mileage log, broken down into gas, mileage and oil usage;
- (d) The number of animals impounded;
- (e) The number of animals redeemed by their owner;
- (f) The number of animals adopted following the expiration of the redemption period;
- (g) The number of animals euthanized following the expiration of the redemption period;
- (h) A list of all expenditures incurred by the Dog Control Officer in connection with the enforcement of Article II of this Local Law.

Section 2.4-4 Complaints. Any person who observes an animal violating the provisions of this Local Law may file a signed complaint, under oath, with the Dog Control Officer or Police Department of the Village of Greenwich specifying the nature of the violation, the date thereof, any damage caused, a description of the animal and name and residence, if known, of the owner or other person harboring said animal. Upon receipt of a complaint, the Dog Control Officer or Police Department shall file the complaint with the Village Court. Upon the receipt of the complaint, the Village Court may summon the alleged owner or other person harboring said animal to appear in person before the Village Court. If the summons is disregarded, the Village Court may permit the filing of any information and issue warrant for the arrest of such person.

Section 2.4-5 Procedure for Seizure; Notice; Redemption.

Section 2.4-5.1 Authority to Seize. The persons mentioned in Section 2.3-1 above are hereby authorized to seize any animal which is found to be owned, kept or harbored in violation of Section 2.1 of this Local Law.

Section 2.4-5.2 Care of Seized Animals. Every animal so seized shall be kept, properly fed and cared for seven (7) days at the expense of the Village of Greenwich, at such kennel or other place as the Village may designate until disposition thereof as herein provided.

Section 2.4-5.3 Notice of Seizure. If an animal is seized for a violation of this local law, the Dog Control Officer, Peace Officer or other involved enforcement officer shall exercise their best efforts to ascertain the identity of the owner of the animal and shall give immediate notice to the owner or an adult member of his family, in writing, stating that the animal has been seized and will be destroyed unless redeemed as herein provided.

Section 2.4-4.5 Redemption. Any animal seized pursuant to the preceding section may be redeemed by its owner, provided that such owner produces proof of ownership and pays the impoundment fees, which fees shall be the amount any veterinarian charges applicable to the redeemed animal plus:

- (a) \$30.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the first impoundment of any animal owned by that person.

- (b) \$40.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the second impoundment within one year of the first impoundment of any animals owned by that person.
- (c) \$60.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the third and subsequent impoundments within one year of the first impoundment of any animals owned by that person.

Section 2.4-5.5 Disposition of Unredeemed Animals. Any animal unredeemed at the expiration of the appropriate redemption period shall be made available for adoption and may be adopted upon payment to the Village Clerk a fee of \$15.00 and reimbursement of all fees and expenses paid by the Village for veterinary treatment rendered to the animal while in custody of the Village. If, after a period of seven days, an animal has not been adopted, or it appears to the satisfaction of the person or agency retaining an animal in custody that the animal is injured, diseased or is not domesticated as defined in Section 1.3-12 hereof, the custodian shall deliver the animal to a person or animal care facility whom the custodian believes will provide proper care for the animal. If no facility is available, the custodian may allow the animal to be euthanized or otherwise disposed of in a humane manner consistent with the provisions of applicable law.

Section 2.4-5.6 Payment of Impoundment Fees. If the owner of an unredeemed animal is known, such owner shall be required to pay the impoundment fees set forth in Section 2.3-5.4 above, whether or not such owner redeems his animal or not.

Section 2.4-5.7 Applicability of Penalties. The seizure of any animal, whether said animal is thereafter redeemed or not redeemed, shall not relieve any person from penalty of enforcement proceeding provided for by Sections 1.10 and 1.11 of this Local Law.

ARTICLE 3

DOGS

Section 3.1 Licensing of Dogs; Special Requirements for Vicious Dogs. It shall be unlawful for any person at any time to own, harbor or possess a dog within the territorial limits of the Incorporated Village of Greenwich, unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law of the State of New York, and if such dog is a vicious dog as defined in §1.3-24 of this Local Law and subject to the provisions of Subsection 3.1-2 of this section, the owner of such dog is currently in compliance with all additional requirements as set forth and prescribed in Subsection 3.1-1 of this Section. For the purposes of this subsection, the fact that a dog is without a tag attached to its collar, as provided in Article 7 of the Agriculture and Markets Law, shall be presumptive evidence that such dog is unlicensed.

Section 3.1-1. Notwithstanding any contrary provisions of this section or this Local Law, the following specific requirements shall apply with respect to every dog defined as “vicious dog” under §1.3-24 of this Local Law:

- (a) The owner of a vicious dog shall obtain and maintain in effect a policy of general liability insurance, in minimum coverage limits of at least \$100,000 per person per occurrence and for a

renewable coverage term of at least one year, specifically insuring such owner against all claims for personal injuries, related to medical expenses and consequential which might be caused or inflicted by such dog. Proof of such insurance coverage, in the form of a certificate of insurance, shall be filed with the Village Clerk. For the purposes of the foregoing, the certificate of insurance shall show the owner of the dog as the named insured, shall identify the "Village of Greenwich, 6 Academy Street, Greenwich, NY 12834" as the certificate holder and shall expressly provide on the face thereof that in the event that the policy described therein shall be cancelled or materially changed before the expiration date of such policy, the issuing insurance company will mail 30 days' advance written notice to the certificate holder.

- (b) The owner of a vicious dog shall continuously maintain, in full force and effect, the liability insurance policy required by this subsection until the death of such dog or until such owner either has ceased, in fact, to own such dog or has actually and permanently removed such dog from the territorial limits of the Village.
- (c) No person shall be entitled to obtain or renew a license for a vicious dog unless that person is at least 21 years of age at the time of application for such license. Every applicant for such license shall present valid and acceptable proof of age to the licensing agent at the time of making such application.

Section 3.1-2 With respect to any dog, which was otherwise validly licensed as of the effective date of this Local Law, the provisions of this Local Law shall apply, with full force and to immediate effect, as of the day next succeeding the expiration date of such license; whereupon such dog shall not continue to be owned, harbored or possessed within the Village unless and until such license shall have been replaced, extended, renewed or reissued in strict compliance with all applicable provisions of this Section 3.1.

Section 3.1-3 The failure of an owner of a vicious dog either to obtain or maintain the requisite insurance as provided in Subsection 3.1-1 of this Local Law is hereby declared to be unlawful and a criminal offense. Each such offense shall be punishable in accordance with the provisions of Subsection 1.0 of this Local Law.

Section 3.2 Nuisances Prohibited. It shall be unlawful for any owner of any dog, or any person having the custody of any dog, to permit such dog to commit any nuisance within the Village of Greenwich, or cause damage to the person or property of others. The following are hereby declared to be public nuisances, and are set forth for the purposes of illustration only, and are not to be considered as excluding other types of nuisances:

- (a) Allowing such dog to run at large
- (b) Harboring or keeping a dangerous dog.
- (c) Keeping, allowing or permitting to be kept on the premises owned or occupied by such person, any dog which, by its habitual barking, howling or whining, or other frequent or long continual noises, shall unreasonably disturb the comfort or repose of other persons.
- (d) Allowing such dog to habitually chase or bark at motor vehicles, bicycles or pedestrians.
- (e) Allowing such dog to damage or destroy property of any kind or defecate, urinate or otherwise commit a nuisance upon the premises of a person other than the person owning or harboring such dog.

- (f) Chasing or otherwise harassing any persons in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- (g) Being found upon the school yard of any of the schools of the Village during the time of year when schools are open, between one hour prior to the commencement of the school day and one hour after the end of the school day.
- (h) Running together in a pack or in any way forming a pack.

Section 3.3 Actions Prohibited. It shall be unlawful for any person to:

- (a) Tie, hitch or in any other manner secure any dog to any tree, hydrant, pole, parking meter, stanchion, fence or other installation upon or adjoining any public property.
- (b) Permit or take an animal upon any public property unless it is in the charge of a person adequate age and discretion properly to control its actions, and is safely leashed, muzzled or otherwise under the control of such person.
- (c) Molest, torture, harm, injure, harass or cruelly treat any dog.
- (d) Allow a dog to attack, kill or injure any dog, cat or other household pet.
- (e) Own, keep or harbor within the Village:
 - i. an unlicensed dog; or
 - ii. a dangerous dog; or a vicious dog which is not covered by liability insurance pursuant to the provisions of Section 3.1 of this local law, or
 - iii. Allow a dog to be outdoors when in heat.

Section 3.4 Removal of Feces. It shall be the duty of any person who owns, harbors or has the custody or control of any dog promptly to remove any feces left by such dog on any sidewalk, walk, driveway, gutter, street, public park, playground or other public property or on school property or on private property without the consent of the owner of such property; provided, however, that this provision shall not be applicable to a blind person while actually using a guide dog licensed as such. Failure to remove and dispose of such feces, except as provided above, shall render such person liable for the penalties provided in this Local Law.

Section 3.5 Dangerous Dogs. Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York, shall be dealt with in accordance with Article 7 of the Agriculture and Markets Law.

Section 3.6 Enforcement.

Section 3.6-1 Enforcement Officers. The Board of Trustees of the Village of Greenwich may, from time to time, appoint any official or person to act as Dog Warden, Dog Control Officer and/or Animal Control Officer of the Village of Greenwich and may contract with the Town of Greenwich and Town of Easton to deputize and designate the Dog Wardens, Dog Control Officers or Animal Control Officers of such towns to act as the Dog Warden and Dog Control Officer for the Incorporated Village of Greenwich. This Article III of this Local Law may be enforced by any persons so appointed or designated, and by any police officer, peace officer or designated representative of the Department of Agriculture and Markets, who are hereby fully authorized to issue appearance tickets to any person found violating or permitting the violation of the terms and provisions of this Local Law.

Section 3.6-2 Authority of Enforcement Officers. The persons mentioned in Section 3.6-1 above, are hereby authorized to:

- (a) Enforce any provision of this Local Law within the Village of Greenwich;
- (b) Cooperate with and work in conjunction with the Greenwich Village Police Department, so as to enforce the provisions of this Local Law and the provisions of any applicable state statute in the Village of Greenwich;
- (c) When there is a violation of this Local Law or the state states in the Village of Greenwich, issue a summons and/or appearance ticket in the appropriate court;
- (d) Seize, contain and impound any dogs found within the Village of Greenwich when said dogs are running at large, running at large and in violation of Section 3-2 of this Local Law, or unlicensed;
- (e) Appear in Village Court when requested by the Village Attorney, so as to prosecute any violations of this Local Law;
- (f) Enforce all provisions of the Agriculture and Markets Law of the State of New York, which may lawfully be enforced in the Village; and
- (g) Aid and assist in the filing of complaints.

Section 3.6-3 Records. It shall be the responsibility of the Dog Control Officer to maintain accurate records and to complete and submit the following records to the Mayor and the Board of Trustees on a monthly basis.

- (a) A listing of all dog related complaints, including the name, address and phone numbers of each complainant, and the type of complaint and resolution of each complaint;
- (b) A separate log of each official action taken in each case;
- (c) A mileage log, broken down into gas, mileage and oil usage;
- (d) The number of dogs impounded;
- (e) The number of dogs redeemed by their owner;
- (f) The number of dogs adopted following the expiration of the redemption period;
- (g) The number of dogs euthanized following the expiration of the redemption period; and
- (h) A list of all expenditures incurred by the Dog Control Officer, in connection with the enforcement of Article III of this Local Law.

Section 3.6-4 Complaints of Damage or Nuisance. Any person who observes a dog causing damage or destruction to property of a person other than its owner or committing a nuisance upon the premises of a person other than its owner or running at large or otherwise violating the provisions of this Local Law may file a signed complaint, under oath, with the Dog Control Officer or Police Department of the Village of Greenwich specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known of the owner or other person harboring said dog. Upon receipt of a complaint, the Dog Control Officer or Police Department shall file the complaint with the Village Court. Upon receipt of the complaint, the Village Court may summon the alleged owner or other person harboring said dog to appear in person before the Village Court. If the summons is disregarded, the Village Court may permit the filing of an information and issue a warrant for the arrest of such person.

Section 3.6-5 Complaints of Dangerous Dogs. Any person who is chased or otherwise harassed by any dog in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury, or any person who witnesses such offensive conduct by any dog,

may file a signed complaint, under oath, with the Dog Control Officer or Police Department stating the specific objectionable conduct of the dog, the date thereof and the place of occurrence and a description of the dog and name and residence, if known, of the person harassed and the owner or other person harboring said dog. Upon receipt of a complaint, the Dog Control Officer or Police Department shall file the complaint with the Village Court. Upon receipt of the complaint, the Village Court may summon the alleged owner or other person harboring said dog to appear in person before the Village Court. If the summons is disregarded, the Village Court may permit the filing of an information and issue a warrant for the arrest of such person.

Section 3.7 Procedure for Seizure: Notice Redemption.

Section 3.7-1 Authority to Seize. The persons mentioned in Section 3.6-1 above are hereby authorized to seize any dog which is found running at large and:

- (a) not under the control of its owner or a reasonable person acting as agent of its owner;
- (b) unlicensed;
- (c) in heat;
- (d) in a pack; or
- (e) a vicious dog for which no proof of liability insurance coverage is on file with the Village Clerk.

Section 3.7-2 Care of Seized Dogs. Every dog so seized shall be kept, properly fed and cared for at the expense of the Village of Greenwich, at such kennel or other place as the Village may designate until disposition thereof as herein provided, and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.

Section 3.7-3 Notice of Seizure. If a dog is seized pursuant to Section 3.7-1 of this Local Law and the dog is wearing a license tag, the Dog Control Officer, Peace Officer or other involved enforcement officer shall ascertain the identity of the owner of the dog and shall give immediate notice to the owner or an adult member of his family, in writing, stating the dog has been seized and will be destroyed unless redeemed as herein provided.

Section 3.7-4 Redemption. Any dog seized pursuant to the preceding section may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and pays the impoundment fees, which fees shall be the amount of any veterinarian charges applicable to the redeemed animal plus:

- (a) \$30.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the first impoundment of any animal owned by that person;
- (b) \$40.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the second impoundment of any dogs owned by that person;
- (c) \$60.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the third and subsequent impoundments within one year of the first impoundment of any dogs owned by that person.

Section 3.7-5 Disposition of Unredeemed Dogs. 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 of the State of New York.

Section 3.7-6 Payment of Impoundment Fees. If the owner of an unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Section 3.7-4 above, whether or not such owner redeems his dog or not.

Section 3.7-7 Applicability of Penalties. The seizure of any dog, whether said dog is thereafter redeemed or not redeemed, shall not relieve any person from any penalty or enforcement proceeding provided for by Sections 1.10 and 1.11 of this Local Law.

ARTICLE 4 CATS

Section 4.1 Regulation of Cats. It shall be unlawful for any person to:

- (a) Permit or allow more than five (5) cats per household to be outside the residence of the owner at any time.
- (b) Permit or allow any cat to be outside the residence unless the cat wears a collar and tag, tattoo, microchip or other reliable form of identification stating the name, address and telephone number of the owner.
- (c) Permit or allow any cat to be fed outdoors unless the owner is present.
- (d) Permit or allow any cat to be outside the residence of the owner unless it has been vaccinated for rabies and feline leukemia, not unless it has been spayed or neutered.
- (e) Permit or allow any cat to run at large, unless such cat has been spayed or neutered.
- (f) Tie, hitch or in any other manner, secure any cat to any tree, hydrant, pole, parking meter, stanchion, fence or other installation upon or adjoining any public property.
- (g) Molest, torture, harm, injure, harass or cruelly treat any cat.
- (h) Allow or permit a cat to attack, kill or injure any dog, cat or other household pet.

Section 4.2 Enforcement.

Section 4.2-1 Enforcement Officers. The Board of Trustees of the Village of Greenwich may, from time to time, appoint any official, person or agency, acting under the auspices of the Greenwich Village Police Department, to enforce the provisions of this Article IV of this Local Law. This Article IV may be enforced by any persons so appointed or designated, by any person authorized to enforce the provisions of Article III of this Local Law, and by any police officer, peace officer, designated representative of the Department of Agriculture and Markets or agent or officer of any duly incorporated society for the prevention of cruelty to animals, who are hereby fully authorized to issue appearance tickets to any person found violating or permitting the violation of the terms and provisions of this Article IV of this Local Law.

Section 4.2-2 Authority of Enforcement Officers. The persons mentioned in Section 4.2-1 above, are hereby authorized to:

- (a) Enforce any provision of this Local Law within the Village of Greenwich;
- (b) Cooperate with and work in conjunction with the Greenwich Village Police Department, so as to enforce the provisions of this Local Law and the provisions of any applicable state statute in the Village of Greenwich.;
- (c) When there is a violation of this Local Law or the state statutes in the Village of Greenwich, issue a summons and/or appearance ticket in the appropriate court;

- (d) Seize, contain and impound any cats which are in violation of Section 4.1 of this Local Law and any homeless or abandoned cats.
- (e) Appear in Village Court when requested by the Village Attorney, so as to prosecute any violations of this Local Law;
- (f) Enforce all provisions of the Agriculture and Markets Law of the State of New York which may lawfully be enforced in the Village, and;
- (g) Aid and assist in the filing of complaints.

Section 4.2-3 Records. It shall be the responsibility of the Dog Control Officer to maintain accurate records and to complete and submit the following records to the Mayor and the Board of Trustees of the Village of Greenwich on a monthly basis.

- (a) A listing of all cat related complaints, including the name, address and phone numbers of each complainant, and the type of complaint and the resolution of each complaint;
- (b) A separate log of each official action taken in each case;
- (c) A mileage log, broken down into gas, mileage and oil usage;
- (d) The number of cats Impounded;
- (e) The number of cats redeemed by their owner;
- (f) The number of cats adopted following the expiration of the redemption period;
- (g) The number of cats euthanized following the expiration of the redemption period; and
- (h) A list of all expenditures incurred by the Dog Control Officer in connection with the enforcement of Article IV of this Local Law.

Section 4.2-4 Complaints. Any person who observes a cat violating the provisions of this Local Law may file a signed complaint, under oath, with the Dog Control Officer or Police Department of the Village of Greenwich specifying the objectionable conduct of the cat, the date thereof, the damage caused, a description of the cat and name and residence, if known, of the owner or other person harboring said cat. Upon receipt of a complaint, the Dog Control Officer or Police Department shall file the complaint with the Village Court. Upon the receipt of the complaint, the Village Court may summon the alleged owner or other person harboring said cat to appear in person before the Village Court. If the summons is disregarded, the Village Court may permit the filing of an information and issue a warrant for the arrest of such person.

Section 4.3 Procedure for Seizure: Notice Redemption

Section 4.3-1 Authority to Seize. The persons mentioned in Section 4.2-1 above are hereby authorized to seize any cat which is found running at large and (i) unidentified; or (ii) in heat; or (iii) not spayed or neutered; or (iv) homeless or abandoned.

Section 4.3-2 Care of Seized Cats. Every cat so seized shall be kept, properly fed and cared for for seven (7) days at the expense of the Village of Greenwich, at such kennel or other place as the Village may designate until disposition thereof is herein provided.

Section 4.3-3 Notice of Seizure. If a cat is seized for a violation of this Local Law and the cat is wearing identification, the Dog Control Officer, Peace Officer or other involved enforcement officer shall ascertain the identity of the owner of the cat and shall give immediate notice to the owner or

an adult member of his family, in writing, stating that the cat has been seized and will be destroyed unless redeemed as herein provided.

Section 4.3-4 Redemption. Any cat seized pursuant to the preceding section may be redeemed by its owner, provided that such owner produces proof of ownership and pays the impoundment fees, which fees shall be the amount of any veterinarian charges applicable to the redeemed animal plus:

- (a) \$30.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the first impoundment of any animal owned by that person;
- (b) \$40.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the second impoundment within one year of the first impoundment of any cats owned by that person;
- (c) \$60.00 for the first 24 hours or part thereof and \$15.00 for each additional 24 hours or part thereof for the third and subsequent impoundments of any cats owned by that person.

Section 4.3-5 Disposition of Unredeemed Cats. Any cat unredeemed at the expiration of the appropriate redemption period shall be made available for adoption and may be adopted upon payment to the Village Clerk a fee of \$15.00 and reimbursement of all fees and expenses paid by the Village for veterinary treatment rendered to the cat while in the custody of the Village. If, after a period of seven days, a cat has not been adopted, or it appears to the satisfaction of the person or agency retaining a cat in custody that the cat is injured, diseased or is not domesticated as defined in Section 1.3-11 hereof, the custodian shall deliver the cat to a person or animal care facility whom the custodian believes the cat will be properly cared for. If no facility is available, the custodian may allow the cat to be euthanized or otherwise disposed of in a humane manner consistent with the provisions of the Section 374 of the Agriculture and Markets Law of the State of New York.

Section 4.3-6 Payment of Impoundment Fees. If the owner of an unredeemed cat is known, such owner shall be required to pay the impoundment fees set forth in Section 4.3-4 above, whether or not such owner redeems his cat or not.

Section 4.3-7 Applicability of Penalties. The seizure of any cat, whether said cat is thereafter redeemed or not redeemed, shall not relieve any person from any penalty or enforcement proceeding provided for by Sections 1.10 and 1.11 of this Local Law.

ARTICLE 5

DISPOSAL OF DEAD AND INJURED ANIMALS

Section 5.1 Removal by Owner. It shall be unlawful for any person to allow any dead animal which he owned or had control of to remain in any public place or on the premises of any person in the village for more than six hours of daylight time. Should any animal die in any public place or on the premises of any person in the village, then the person who owned or had possession or control of such animal prior to its death shall remove or cause the same to be removed within six hours of daylight time after the death of such animal and have the same desiccated or cremated or disposed of in a sanitary manner approved by the Washington County Department of Health.

Section 5.2 Notice to Clerk. It shall be the duty of the owner, possessor and all persons having

knowledge of any dead animal in the village to report the same to the Village Clerk, giving the name of the person who owned or had possession or control of such animal prior to its death, if known, and the place where the same may be found. It shall be the duty of the Village Clerk forthwith to notify the persons who owned or had possession or control of such animal to cause the same to be removed and desiccated, cremated or disposed of as provided for in this article.

Section 5.3 Removal by Village. If the person who owned or had possession of any animal prior to its death fails to remove such dead animal within the time specified in accordance with the procedures approved by the Washington County Department of Health or is unable to do so, such said person shall immediately notify the Village Clerk, who shall arrange for the pickup and removal of such dead animal.

Section 5.3-1. Any animal which is to be removed and destroyed by the Village Department of Public Works shall first be placed in an opaque plastic shroud, completely sealed, and the deposited in a covered cardboard or wooden box suitable tagged and identifying the container as holding the remains of a deceased animal; such container shall be placed at the curb for pickup by the Department of Public Works only after notification to the Village Clerk and in accordance with the directions issued by that Clerk or by a representative of the Department of Public Works.

Section 5.4 Burial Restrictions. It shall be unlawful for any person to bury any dead or fatally sick or injured animal, or part thereof, within the Village.

Section 5.5 Conveyance. It shall be unlawful for any person to carry or convey or cause to be carried or conveyed any dead animal through and upon any streets, alleys or public places of the village in the daytime unless the same is so covered that no part of it is exposed to view and no odors can emanate therefrom.