

## Chapter 49

### ANIMALS

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[HISTORY: Adopted by the Town Board of the Town of Farmington as indicated in article histories. Amendments noted where applicable.]

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#### ARTICLE I

##### Dog Control

[Adopted 6-10-2003 by L.L. No. 5-2003']

- § 49-1. Title. [Amended 4-13-2021 by L.L. No. 7-2021]

Article I of Chapter 49 of the Town of Farmington Code shall be known and may be cited as the "Dog Control Law of the Town of Farmington."

- § 49-2. Purpose.

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

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1. Editor's Note: This local law also repealed former Ch. 49, comprised as follows: Art. I, Dogs, adopted 10-12-1982 by L.L. No. 2-1982 (Ch. 6, Art. I, of the 1969 Code), as amended; and Art. II, License Fees, adopted 8-12-1986 by L.L. No. 5-1986 (Ch. 6, Art. II, of the 1969 Code), as amended.

**§ 49-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AT LARGE** — Any dog shall be deemed to be at large if not accompanied by a person who is in full control of the dog, or who is providing restraint of the dog by secure leash or lead, or who has confined the dog to an enclosure, such as a cage or motor vehicle, in such a manner that the dog may not roam freely upon public or private lands, elsewhere than on the premises of the owner or on the premises of another responsible person who has knowledge of the dog's presence and who assents thereto.

**DANGEROUS DOG** — Any dog which i) without justification attacks a person, companion animal as defined in Article 7 of the Agriculture and Markets Law, Subdivision 5 of § 350, farm animal as defined in Subdivision 4 of § 350, or domestic animal as defined in Subdivision 7 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. [Added 4-13-2021 by L.L. No. 7-2021]

**DOG** — Any member of the species canis familiaris.

**DOG CONTROL OFFICER** — Any individual appointed by the Town Board to assist in the enforcement of this article or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Farmington to assist in the enforcement of this article. [Added 4-13-2021 by L.L. No. 7-2021]

**DOG SHOW** — An event or exhibition in which a judge, familiar with a specific dog breed, evaluates individual purebred dogs for how well the dogs conform to the established breed type for their breed, as described in a breed's individual breed standard. [Added 4-13-2021 by L.L. No. 7-2021]

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

**§ 49-4. Restrictions.**

- A. No person shall permit a dog to be at large within the limits of the Town of Farmington.
- B. No dog shall be at large within the limits of the Town of Farmington.
- C. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

- D. It shall be unlawful to keep four or more dogs that are four months of age or older on any premises, regardless of the number of owners, unless the provisions of the Zoning Law of the Town of Farmington, Chapter 165 of the Code of the Town of Farmington, and the laws of the State of New York in regard to kennels are complied with. [Added 4-13-2021 by L.L. No. 7-2021]

**§ 49-5. Prohibited acts. [Added 4-13-2021 by L.L. No. 7-2021]**

- A. No dog shall engage in loud howling or barking or conduct itself in such a manner as to annoy any reasonable person.
- B. No dog shall cause damage to or destruction of property or commit a nuisance.
- C. No dog shall bite, chase, or otherwise harass any person or other animal in such a manner as reasonably causes intimidation or puts such person in reasonable apprehension of bodily harm or injury.

**§ 49-6. Complaints and dangerous dogs. [Added 4-13-2021 by L.L. No. 7-2021]**

Any person who observes a dog committing a prohibited act listed in § 49-5 above herein, or as defined in Article 7, § 123, of the New York State Agriculture and Markets Law, may file a signed complaint, made under oath, with the Town Code Enforcement Officer or an Assistant Town Code Enforcement Officer; or the Town Zoning Officer; or the Town Clerk or Deputy Town Clerk specifying the objectionable conduct of the dog, the date of such conduct, the nature of the event, any damage caused, a description of the dog, and the name and residence, if known, of the owner or person harboring said dog. The Town Official receiving the complaint shall immediately deliver the complaint to the Town of Farmington Town Justice Court in accordance with the provisions contained within § 49-7, below, of this chapter.

**§ 49-7. Enforcement; penalties for offenses. [Amended 4-13-2021 by L.L. No. 7-2021]**

- A. Enforcement officers. The provisions of this chapter may be enforced by any person, the Town of Farmington, or organization for the prevention of cruelty to animals appointed by law or pursuant to a contract in effect with the Town of Farmington.
- B. Appearance tickets and process. Any person who is a member of an organization authorized to enforce the provisions of this chapter may issue an appearance ticket for an alleged violation hereof, pursuant to § 150.20 of the New York State Criminal Procedure Law. In addition, an appearance ticket may also be issued for any alleged violation of Article 7, § 118 of the Agriculture and Markets Law of the State of New York. Said person is hereby authorized to serve any process relating to any proceeding, whether civil or criminal in nature, in accordance with the provisions of this chapter. In the event an appearance ticket is unanswered, the Town of Farmington Town Justice Court shall permit filing of an information from the appropriate enforcement person and issue a warrant of arrest for the alleged violator.

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2. Editor's Note: This ordinance also redesignated former § 49-5 as § 49-7.

- C. Seizure. Any dog found to be at large by the Dog Control Officer in the Town of Farmington shall be seized and properly fed and cared for by the Ontario County Humane Society until redeemed or disposed of in accordance with the provisions of Article 7, § 117 of the Agriculture and Markets Law of the State of New York. The owner of the dog, upon presentation of a valid dog license and upon payment of the impoundment fees established by the aforesaid Article 7, § 117 of the Agriculture and Markets Law of the State of New York, may redeem such dog. In the event a dog is not redeemed within the statutory time period, an owner forfeits title to said dog, which shall then be made available for adoption or euthanized in accordance with Article 7, § 117 of the Agriculture and Markets Law of the State of New York. The seizure of any dog shall not relieve any person of prosecution for violation of the provisions of this chapter.
- D. Commencement of proceedings. Any person alleged to be found to have permitted any dog to be at large in the Town of Farmington shall be issued an appearance ticket for an alleged violation of this chapter and shall be prosecuted in the manner provided for herein.
- E. Penalties of violations. Pursuant to § 80.05 of the Penal Law of the State of New York, a violation of the provisions of this chapter shall be punishable by a fine of not more than \$250.

## ARTICLE II

### Dog Licensing

[Adopted 12-14-2010 by L.L. No. 6-2010; amended in its entirety 4-13-2021 by L.L. No. 7-2021]

#### § 49-8. Title.

Article II of Chapter 49 of the Town of Farmington Town Code shall be known and may be cited as "Dog Licensing Law of the Town of Farmington Town Code."

#### § 49-9. Licensing of dogs.

All dogs being harbored in the Town of Farmington, unless otherwise exempted by the provisions contained in Article 7, § 109 of the New York State Agriculture and Markets Law, must be licensed by the age of four months with the Town Clerk of the Town of Farmington.

#### § 49-10. Application.

The owner of each dog required to be licensed by the provisions of this chapter of the Town of Farmington Town Code shall obtain a dog license application form that is to be completed and returned, along with the items contained below herein, to the Farmington Town Clerk for issuing of a dog license:

- A. A dog license application form.
- B. The license application fee and any additional fees as established by the Town Board as part of the adopted Town of Farmington Annual Fee Schedule.

- C. Any applicable license surcharges.
- D. Proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination would not be required.
- E. In the case of a spayed or neutered dog, a certificate by a licensed veterinarian or an affidavit signed by the owner of the dog 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 Farmington Town Clerk's office. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating the he or 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.

**§ 49-11. Identification tag.**

Each dog licensed pursuant to 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 always be affixed to a collar on the dog. 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.

**§ 49-12. License term.**

All dog licenses will be issued for a period of up to three years and said license will expire on the last day of the last month of the period for which they are issued.

**§ 49-13. License nontransferable.**

Any license issued pursuant to this article shall not be transferable. Upon the transfer of ownership or new address of any dog within the Town of Farmington, the new owner shall immediately make application for a new license for such dog.

**§ 49-14. Purebred license.**

The Town of Farmington will issue purebred licenses but will not issue separate purebred tags.

**§ 49-15. Guide dog, service dog, hearing dog or detection dog tag.**

The Town of Farmington will not issue a special tag for identifying any guide dog, service dog, hearing dog or detection dog tag.

**§ 49-16. Fees and surcharges.**

The fees and surcharges for issuing dog licenses shall be fixed by the Town Board as part of the Town of Farmington's Annual Fee Schedule and by the provisions contained in Article 7, § 110, of the New York State Agriculture and Markets Law. Such Town fees and surcharges may, from time to time, be changed as the Town Board may determine. These fees and surcharges include:

- A. The license fee for a spayed or neutered dog.
- B. The license fee for an unspayed or an unneutered dog (such Town fee having to exceed the fee for a license for a spayed or neutered dog by such amount as mandated in Article 7, § 110, of the New York State Agriculture and Markets Law).
- C. In addition to the license fee authorized by this chapter and established by the Town Board of the Town of Farmington and contained in the Annual Fee Schedule, a surcharge for the issuance of a purebred license (such surcharge shall be, at a minimum, such amount as mandated by Article 7, § 110, of the New York State Agriculture and Markets Law) for the purposes of carrying out animal population control efforts.
- D. In addition to the license fee authorized by this chapter and established by the Town Board of the Town of Farmington as part of the Annual Fee Schedule, a surcharge is hereby authorized if the dog to be licensed is altered (such surcharge shall be, at a minimum, the amount specified in Article 7, § 110, of the New York State Agriculture and Markets Law).
- E. In addition to the license fee authorized by this chapter and established by the Town Board of the Town of Farmington as part of the Annual Fee Schedule, a surcharge is hereby authorized if the dog to be licensed is not altered (such surcharge shall be, at a minimum, the amount specified in Article 7, § 110, of the New York State Agriculture and Markets Law).
- F. In addition to the license fee authorized by this article and established by the Town Board of the Town of Farmington as part of the Annual Fee Schedule, a surcharge is hereby authorized to recover and defray the cost of an enumeration of dogs living with the Town of Farmington.
- G. In addition to the license fee authorized by this article and established by the Town Board as part of the Annual Fee Schedule, a surcharge is authorized for offsetting costs associated with the provision and replacement of identification tags.

**§ 49-17. Exemptions.**

- A. Exempted from payment of the license fees are applications submitted for a dog license for any of the following dogs, provided written documentation is provided with such application that certifies such dog as being any of the following:
  - (1) Guide dog.
  - (2) Hearing dog.

- (3) Service dog.
  - (4) War dog.
  - (5) Working search dog.
  - (6) Detection dog.
  - (7) Police work dog.
  - (8) Therapy dog.
- B. At the time the Town Board establishes the license fees authorized pursuant to § 49-16 of this article, the Town Board may permit a partial or full exemption to senior citizens for the dog license fees fixed by the Town Board and made part of the Town's Annual Fee Schedule.
- C. A dog participating in a dog show within the Town of Farmington shall be exempt from wearing its identification tag while participating in the event.

**§ 49-18. Penalties for offenses.**

A violation of this article shall be punishable by:

- A. A fine of \$25 for a first violation.
- B. A fine of \$50 for a second violation.
- C. Where the person is found to have committed two or more such violations within the preceding five years, either a fine of \$100 or imprisonment for not more than 15 days, or both.