

A Local Law Number 004 of 2026

A Local Law to Regulate and Control Dogs within the Town of Harpersfield

Be it enacted by the Town Board of the Town of Harpersfield as follows:

SECTION 1 - LEGISLATIVE INTENT AND PURPOSE

The Town Board of the Town of Harpersfield finds that running at large and other uncontrolled behavior of licensed and unlicensed dogs may cause physical harm to people, damage to property and may create nuisances within the Town. Additionally, the Town Board desires to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of people, properties and animals from dog attacks and damage. Furthermore, the Town Board desires to protect the health, safety and well-being of people and property by imposing regulations on the keeping and running at large of dogs within the town.

SECTION 2 - AUTHORITY

The Local Law is enacted pursuant to the provisions of Section 124 of Article 7 of New York Agriculture and Markets Law, Article 8 of New York Town Law and Article 3 of New York Municipal Home Rule Law.

The procedures and laws of the New York State Criminal Procedure Law applicable to “Violations”, as defined in Article 10 of the New York State Penal Law, shall apply to this Local Law.

SECTION 3 - TITLE

The title of this Local Law shall be “Dog Control Law of the Town of Harpersfield”.

SECTION 4 – DEFINITIONS

As used in this Local Law, the following words shall have the following respective meanings:

- (a)** “Dog” means male and/or female, licensed and/or unlicensed, members of the species *Canis Familiaris*.
- (b)** “Person” means any individual or individuals, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.
- (c)** “Owner” means any person who harbors or keeps any dog, licensed or unlicensed, and/or any person entitled to claim lawful custody, control or possession of a dog who is responsible for purchasing the license, and/or any person who is otherwise responsible for any dog which is kept, brought or comes within the Town. In the event that any dog is found in violation of this Local Law and or Article 7 of New York Agriculture and Markets Law and is owned by a person under the age of eighteen years of age, the owner shall be deemed to be the parent, guardian and/or head of household in which said person resides.

(d) “Run at Large” means to be in a public place or on private land, unleashed and without the knowledge, consent, and approval of the owner of such lands.

(e) “Town” shall mean the Town of Harpersfield

SECTION 5 - RESTRICTIONS

It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Run at large, unless (i) the dog is accompanied by its owner or a responsible person, and under the full and immediate supervision and control of such owner or person, or (ii) the dog is a police dog in use for police work or (iii) the dog is a herding dog. For the purpose of the Local Law, dogs hunting in the company of a hunter or hunters or a farm dog used for herding animals shall be considered as accompanied by its owner.

(b) Engage in habitual and loud and or excessive howling, barking, crying, whining or conduct as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog.

(c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(d) Chase, jump upon or at or otherwise harass any person in such manner as to reasonable cause intimidation, fear or to put such person in reasonable apprehension of bodily harm.

(e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(g) If a female dog, when in heat, be off the owner’s premises, unrestrained by a leash.

(i) Attack any person peaceably conducting himself in any place where such a person may lawfully be, or attack, chase or kill any domestic animal, or any cat or dog, or livestock while such animal is in any place where it may lawfully be.

SECTION 6 – LICENSING OF DOGS

(a) All dogs in the Town of Harpersfield must be licensed with the Town Clerk by the age of four (4) months. The licensing process shall include application forms more thoroughly described below, as well as proof of rabies vaccination.

(1) A current rabies vaccination may be waived only if a statement from a licensed veterinarian is filed at the time of application for licensing stating such rabies vaccination would endanger the dog’s life.

(2) The application form for this law shall contain (i) the name, residence address and telephone number of the dogs owner (ii) the name, sex, age, breed. (color, markings, and any other identifying features of the dog, if appropriate), (iii) state if the dog has been

spayed or neutered, and (iv) any other information deemed necessary by the Town clerk to enforce this law.

(b) The Town Clerk shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.

(c) No tag carrying a Town of Harpersfield identification number shall be affixed to the collar of any dog other than to the one which the number has been assigned.

(d) Any person wishing to replace a tag previously issued under this law shall pay the sum of **\$5.00** to the Town Clerk for a replacement tag.

(e) In the event of adoption of a dog from a shelter or pound, the adoptive dog owners, and not the shelter, must file to register the dog with the Clerk of the Town.

(f) All dog licenses and licensing renewal may be completed by visiting the Town Clerk's office or by regular mail properly addressed to the Town Clerk with the proper forms enclosed. There will be no refund of fees.

(g) All dog licenses will be for a period of three years and shall expire at the end of the month from the date of issue. No license or renewal shall be issued for a period expiring after the expiration date of the current rabies certificate for the dog being licensed.

(h) In the event of a change in ownership of any dog which has been licensed pursuant to this Local Law or change of address of the owner of record of any dog, the owner of record shall, within sixty (60) days of the change, file with the Town Clerk a written notification of such change. Such owner of record shall be liable for any violation of this Local Law and/or Article 7 of the Agriculture and Markets Law, until such filing is made or until the dog is licensed in the name of the new owner.

(i) If any dog is lost or stolen, the owner of record shall, within sixty (60) days of discovery of such loss or theft, file with the Town Clerk a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this Local Law committed after such notification has been made.

(j) In the case of the death of a licensed dog, the owner of record shall notify the Town Clerk of the dog's death either before or upon receipt of a renewal notice from the Town Clerk.

SECTION 7 – RENEWAL

The renewal process for licensed dogs shall be as follows:

(a) The Town of Harpersfield Town Clerk will send a renewal notice to all dog owners a minimum of thirty (30) days before the expiration of the current year's license.

(b) A second notice will be sent if the renewal has not been paid within thirty (30) days of the expiration of the current license.

- a) **(c)** Any dog picked up by the dog control officer or any peace officer not licensed after the second notice will incur doubled registration fees.

SECTION 8 -FEES

The registration fee for a spayed or neutered dog shall be ten dollars (**\$10.00**) and the fee for an unspayed or unneutered dog will be twenty five dollars (**\$25.00**), (which included the assessment of a (**\$1.00 or \$3.00**) surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(b) The Town of Harpersfield will exempt a licensing fee for any “guide dog”, “service dog”, “hearing dog”, “detection dog”, “war dog”, “working search dog”, “police work dog” and/or “therapy dog”, as those dogs are defined in Article 7 of the Agriculture and Markets Law.

(c) All fees will be used in funding the administration of the Dog Control Law of the Town of Town of Harpersfield.

SECTION 9 – SEIZURE OF DOGS

(a) The Dog Control Officer, as defined in Section 108 of the Agriculture and Markets Law, any police officer and/or any peace officer acting pursuant to his/her special duties, shall have authority to seize:

(1) Any unlicensed dog whether on or off the owner’s premises;

(2) Any dog not wearing a tag, and after September, 2026, not identified, and which is not on the owner’s premises, and

(3) Any dog found in violation of Section 5, Subsections a-i of this Local Law.

Such seized dog shall be kept in accordance with the provision of Article 7 of the Agriculture and Markets Law.

(b) The Dog Control Officer, as defined in Section 108 of the Agriculture and Markets Law, any police officer and/or peace officer acting pursuant to his/her special duties, observing a violation of this Local Law in his/her presence shall be authorized to issue and serve process in accordance with Section 113 of the Agriculture and Markets Law.

(c) Any person who observes a dog in violation of the Local Law may make a complaint to the Dog Control Officer, a police officer, and/or a peace officer acting pursuant to his/her special duties, specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of the Local Law.

(d) Any dog found in violation of the provisions of this law may be seized pursuant to the provisions of Section 117 of the Agriculture and Markets Law, and shall be subject to the following:

(1) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 117 of the Agriculture and Markets Law.

(2) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth herein:

i. Forty dollars (**\$40.00**) for the impoundment of any dog owned by that person. Payment to be made at the shelter. The Town Board may delegate authority to an outside party to collect said impoundment fee.

(4) 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 117 of the Agriculture and Markets Law.

SECTION 10 – PENALTIES

A violation of this Local Law shall be punishable by:

(a) A fine of not less than twenty-five dollars (**\$25.00**) but not more than two hundred and fifty (**\$250.00**) for the first violation;

(b) A fine of not less than fifty dollars (**\$50.00**) but not more than five hundred dollars (**\$500.00**) where the person was found to have violated this Local Law and/or Article 7 of the Agriculture and Markets Law within the preceding 5 years;

(c) A fine of not less than one hundred dollars (**\$100.00**) but not more than one thousand dollars (**\$1,000.00**) or imprisonment for not more than fifteen (15) days, or both, where the person was found to have violated this Local Law and/or Article 7 of the Agriculture and Markets Law two or more times within the preceding 5 years.

In addition to the penalties provided above, the Town Board of the Town of Harpersfield may also maintain an action or proceeding in the name of the town in any court of competent jurisdiction to compel compliance with, or to restrain by injunction, any violation of this local law and/or Article 7 of the Agriculture and Markets Law.

Pursuant to Agriculture and Markets Law §119 all money and penalties collected for violations of Article 7 of the Agriculture and Markets Law and/or this Local Law shall remain the property of the Town of Harpersfield.

SECTION 11 – ENFORCEMENT

The local Dog Control Officer, any police officer and/or peace officer acting pursuant to their special duties, is authorized to prosecute any violation of this local law in the Town Court of the Town of Harpersfield, or such other court having competent jurisdiction over the proceeding and shall have authority to issue process in accordance with §122 of the Agriculture and Markets Law.

SECTION 12 – DISPOSITIONS

Unless otherwise stated herein, violations of this Local Law shall constitute a “violation” as defined in Article 10 of the New York State Penal Law, and all dispositions, sentences and penalties applicable to “violations” under the New York State Penal Law, shall apply to this Local Law.

SECTION 13 - SEVERABILITY

Each provision of this local Law shall be deemed independent. If any provisions shall be deemed unenforceable or declared invalid, all other provisions herein shall remain valid and enforceable.

SECTION 14 – VALIDITY

Notwithstanding the enactment of this Local Law, all other sections and provisions of Article 7 of the Agriculture and Markets Law not provided for herein, shall remain in full force and effect and shall in no way be diminished by the enactment of this Local Law.

Any inconsistency between this Local Law and any other valid enforceable law, including but not limited to Article 7 of the Agriculture and Markets Law, shall be resolved in favor of the provisions of this Local Law taking precedence, to the extent of such inconsistency and according to law.

SECTION 15 - OTHER REGULATIONS

These regulations in no way waive the requirements of the other regulatory organizations.

SECTION 16 – EFFECTIVE DATE

This Local Law shall be effective upon passage by the Town Board by the Town of Harpersfield and after filing with the Secretary of State.

Heidi Loveless, Town Clerk

Town of Harpersfield

Date: September 9, 2026