



OFFICE OF THE TOWN CLERK  
**TOWN OF PLEASANT VALLEY**  
1554 MAIN STREET  
PLEASANT VALLEY, N.Y. 12569  
845-635-3274

**AFFIDAVIT OF POSTING**

I, Mary Beth Muir, duly elected Town Clerk of the Town of Pleasant Valley,  
Dutchess County, New York hereby certify that a notice regarding a

**PUBLIC HEARING**

**“A LOCAL LAW REPEALING AND REPLACING CHAPTER 44, DOGS”**

to be held on the **2ND** day of **DECEMBER, 2024** at **7:00PM**  
was posted on the sign board at the entrance to my office on the **20TH** day of  
**NOVEMBER 2024**; and also at the Post Office in Pleasant Valley, the  
Post Office in Salt Point, and on the bulletin board in the  
Pleasant Valley Firehouse.

Further, due notice has been published in the Town’s official newspaper, the  
Northern Dutchess News on the **27TH** day of **NOVEMBER 2024**.

A handwritten signature in cursive script that reads 'Mary Beth Muir'. The signature is written in black ink and is positioned above a horizontal line.

Mary Beth Muir, Town Clerk  
Town of Pleasant Valley

**TOWN OF PLEASANT VALLEY**

**TOWN BOARD RESOLUTION NO.: 1103/2024**

**RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR PROPOSED LOCAL LAW C OF 2024, "A LOCAL LAW REPEALING AND REPLACING CHAPTER 44, DOGS"**

**WHEREAS**, the Town Board has determined that certain changes are appropriate to Chapter 44 of the Town Code, which regulates dogs; and

**WHEREAS**, the Town Board has determined that the attached local law is acceptable for purposes of commencing the local law adoption process; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby accepts Proposed Local Law C of the Year 2024, "A Local Law Repealing and Replacing Chapter 44, Dogs," for the purposes of commencing the local law adoption process; and be it further

**RESOLVED**, that pursuant to the provisions of SEQRA the Town Board hereby determines that the adoption of Proposed Local Law C is a Type II action (see, 6 NYCRR 617.5[c][26]) and does not require further environmental review; and be it further

**RESOLVED**, that a public hearing on said Local Law will be held on December 2, 2024 at the Town of Pleasant Valley Town Hall, located at 1554 Main Street, Pleasant Valley, New York at 7:00 p.m.; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to give, publish and post notice of said public hearing, as required by law.

Dated: November 18, 2024

**MOTION BY:** Councilman Degan

**SECONDED BY:** Councilwoman Chapman

**ROLL CALL:**

|                       | <u>AYE</u> | <u>NAY</u>    |
|-----------------------|------------|---------------|
| Councilwoman Chapman  | <u>X</u>   | <u>      </u> |
| Councilman Iapichino  | <u>X</u>   | <u>      </u> |
| Councilman Degan      | <u>X</u>   | <u>      </u> |
| Councilman Rifenburgh | <u>X</u>   | <u>      </u> |
| Supervisor Albrecht   | <u>X</u>   | <u>      </u> |

\*CARRIED.

**TOWN OF PLEASANT VALLEY  
PROPOSED LOCAL LAW C OF 2024**

**BE IT ENACTED** by the Town Board of the Town of Pleasant Valley as follows:

**SECTION 1.           TITLE.**

This Local Law shall be titled “A Local Law Repealing and Replacing Chapter 44, Dogs.”

**SECTION 2.           PURPOSE AND INTENT.**

The Town Board has determined the need to modify the Town’s dog control regulations to modernize the restrictions, explicitly prohibit dogs from Town parks (except any designated dog park), and make other updates.

**SECTION 3.           AUTHORITY.**

This law is enacted pursuant to Section 10 of the Municipal Home Rule Law.

**SECTION 4.           AMENDMENT TO THE CODE.**

Chapter 44, Dogs, is hereby repealed and replaced as follows:

**§ 44-1. Purpose.**

The purpose of this chapter 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.

**§ 44-2. Definitions.**

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

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

**DOG CONTROL OFFICER** — A person, persons or agency duly appointed or designated by the Town Board of Pleasant Valley and as also defined in New York State Agriculture and Markets Law § 113 for the purpose of enforcing this chapter and Article 7 of the New York Agriculture and Markets Law; or any authorized officer, agent or employee of any incorporated humane society or similar incorporated dog protective association under contract with the Town of Pleasant Valley.

**HARBOR** — To claim ownership or protective custody of a dog or to provide food or shelter to a dog during a period of one week.

**OWNER** — A person who keeps, harbors or has custody, care or control of a dog. Dogs owned

by minors shall be deemed to be in the custody and control of parents, guardians, or other head of the household where the minor resides.

TO RUN AT LARGE — To be off the property of the owner or harborer in a public place or on private land **off leash**, without the consent, knowledge and approval of the owner of such lands.

**§ 44-3. Licensing and fees.**

- A. The owner or harborer of any dog four months of age or older must obtain and renew a license for that dog from the Town Clerk as required by Article 7 of the New York State Agriculture and Markets Law. A permanent, official identification number on a tag will be issued and shall be affixed to a collar on the dog at all times.
- B. Dog license fees shall be as set by resolution of the Town Board, provided that there is at least a \$5 differential between neutered/spayed and unneutered/unspayed licenses, exclusive of any New York State surcharges, which shall be \$1 for a spayed or neutered dog and **\$3** for an unspayed or unneutered dog.
- C. All dogs must have valid rabies shots at three months of age or provide a statement from a veterinarian that the dog's life would be endangered by that vaccination, and therefore the dog is not to be vaccinated.
- D. All dog licensing shall be for a period of one year and will expire at the end of the month one year from the day of issue. Any license fee is not transferable or refundable for any reason.
- E. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working, search, detection, police and therapy dogs.
- F. The Town of Pleasant Valley does not allow the licensing of a dog by a shelter.
- G. All license fees will be used for the administration of the Dog Control Law in the Town of Pleasant Valley.
- H. The Town of Pleasant Valley does not issue purebred or kennel licenses. All dogs must be licensed individually in accordance with the fee schedule set forth in Subsection B above.
- I. When the Town Board determines the need for a dog enumeration, a fee of **\$50** will be assessed against all dogs found unlicensed or renewed at the time of enumeration at the time the enumeration is conducted.

**§ 44-4. Restrictions.**

- A. **It shall be unlawful for any owner of or any person harboring any dog to permit or**

allow the animal to:

- (1) Run at large in the Town of Pleasant Valley and any Hamlets on any property other than that of the person owning or harboring such dog unless accompanied by its owner or a responsible person able to control the dog. For the purposes of this article, dogs which are participating in obedience training or competition, dog shows or field trials, hunting in the company of a hunter, or are within a municipal dog park shall be excluded from this restriction. Any dog running at large, whether or not licensed or wearing a license tag, shall be seized and confined by the Dog Control Officer(s).
  - (2) Engage in a recurring practice of howling, barking, crying or whining so as to unreasonably disturb the comfort or quiet enjoyment of any person other than the dog's owner. A minimum period of 1/2 hour (30 minutes) of excessive noise shall be deemed necessary to constitute a violation of this section. The person owning or possessing a dog committing an act prohibited herein, with or without the knowledge, consent or fault of such person, shall be guilty of a violation of this section.
  - (3) Uproot, dig or otherwise damage any lawns, gardens, vegetables, flowers or garden beds on property not belonging to the owner of the dog.
  - (4) Chase, bite, jump upon or at or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
  - (5) Engage in a recurring practice of chasing, running alongside of or barking at vehicles or bicyclists while on a public street or highway or upon public or private property other than property of the owner or other person in control of said dog.
  - (6) Cause damage or destruction to private or public property or to create a nuisance by defecating, urinating or digging on public or private property, other than property of the owner or other person in control of the dog.
  - (7) Kill or injure any domestic animal.
- B. Establishment of the fact or facts that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by this section shall be presumptive evidence against the owner or harbinger of such dog that he has failed to properly confine, leash or control his dog.
- C. Dogs are not permitted in Town parks. This rule includes all Town parks, including but not limited to Cady Park, Bower Park, Helen Aldrich Park, and all other parks. This rule covers all existing and future Town parks. Violations are enforceable by the Town's Code Enforcement Officer who is authorized to issue appearance tickets.

#### **§ 44-5. Duties of dog control officer.**

The dog control officer shall:

- A. Upon receipt of notice from the Town Clerk that a person has failed to obtain or renew a license for a dog, issue and serve an appearance ticket upon such person. The dog control officer shall appear in court and prosecute such violation as needed.
- B. Generate monthly dog control activity reports and submit to the Town Clerk and appropriate government agencies.
- C. Respond via telephone and in person to dog related complaints and related occurrences. Check on areas of numerous complaints on a regular basis.
- D. Seize dogs as required in this chapter and complete any required paperwork.
- E. When a seized dog is identified and taken to the **designated dog shelter or boarding facility**, notify the owner personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption.
- F. Perform on-site inspection of dog damage and file any required paperwork with the Town Clerk and Dutchess County.
- G. Take any injured dog to an animal hospital designated by the Town Board.
- H. Pick up all road-killed dogs and take them to a designated facility for cremation.

#### **§ 44-6. Filing and handling of complaints.**

- A. Any person who observes a dog committing an act prohibited by § 44-4 of this chapter may file a written or verbal complaint with the dog control officer specifying the conduct of the dog, the dates thereof, any damage caused, a description of the dog and the name and residence, if known, of the owner or other person harboring the dog. The dog control officer shall investigate the complaint and determine whether it should be dismissed or whether some enforcement action is appropriate. If the dog control officer is unable to remedy a valid complaint, and the complainant signs a supporting deposition, the dog control officer may issue an appearance ticket to the owner of, or person harboring, the dog. Such complaint may serve as the basis for enforcing the provisions of this chapter. If the dog control officer fails to act, or acts in a manner not satisfactory to the complainant, the complainant may then prosecute the complaint in court.
- B. A dog control officer observing a violation of this chapter in his presence shall issue an appearance ticket for such violation.

#### **§ 44-7. Seizure of dogs.**

The dog control officer 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, on or off the owner's premises.
- C. Any licensed dog which is not within the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is a probable cause that the dog is dangerous.
- D. Any dog found to be in violation of § 44-4.
- E. Any unlicensed dog shall be seized and properly fed and cared for until disposed of as provided by law.
- F. Any dog which poses an immediate threat to the public safety. Section 123 of the Agriculture and Markets Law provides the procedure for the seizure and disposition of dogs determined to be dangerous.

**§ 44-8. Notice of seizure.**

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.

**§ 44-9. Redemption of seized dogs.**

- A. Any dog impounded under the provisions of this chapter shall be confined in accordance with the provisions of the Agriculture and Markets Law of the State of New York and may be redeemed by the owner or harbinger thereof within seven days for unidentified dogs and 11 days for identified dogs, exclusive of the day of impoundment, provided the owner or harbinger produces proof that the dog is licensed and identified, and upon payment to the Town or its designated agent of the following fee, plus the cost of keeping, feeding and caring for the dog while in the custody of the dog control officer or pound:
  - (1) For the first impoundment: a fee of \$25.
  - (2) For the second impoundment: a fee of \$50 and a fee of \$3 for each additional twenty-four-hour period.
  - (3) For the third and each subsequent impoundment: a fee of \$75 and a fee of \$3 for each additional twenty-four-hour period.
- B. Any dog not so redeemed shall, at the discretion of the animal shelter, be sold at public or private auction, destroyed, or made eligible for adoption.

**§ 44-10. Destruction of dogs; recovery of value.**

- A. Any seized dog which is severely ill or injured or cannot be safely removed to a veterinary hospital or humane society shall be humanely destroyed by, or at the request of, the dog control officer or law enforcement officer. The carcass shall be immediately disposed of, and a written report shall be made of such destruction and disposition to the office of the Town Clerk, which shall keep a record thereof.
- B. Recovery by owner of value of destroyed dog. The owner or harbinger of any dog destroyed under any provision of this chapter shall not be entitled to any compensation from the Town.

**§ 44-11. Penalties for offenses.**

- A. It shall be a violation, punishable as set forth herein, for:
  - (1) Any owner to fail to license any dog;
  - (2) Any owner to fail to have any dog identified as required by Chapter 44 or Article 7 of the Agriculture and Markets Law of the State of New York.
  - (3) Any person to knowingly affix to any dog any false or improper identification tag; special identification tag for identifying guide, hearing or service dogs; or purebred license tag.
  - (4) Any owner or custodian of any dog to fail to confine, restrain or present for any lawful purpose such dog pursuant to this chapter or Article 7 of the New York State Agriculture and Markets Law.
  - (5) Any person to furnish any false or misleading information on any form required to be filed with the Town of Pleasant Valley.
  - (6) The owner or custodian of any dog to fail to exercise due diligence of handling his or her dog, if the handling results in harm to another dog that is a guide, hearing or service dog.
  - (7) Any owner of a dog to fail to notify the Town in any change of ownership or address as required by Article 7 of the New York State Agriculture and Markets Law.
  - (8) Any violation of this Chapter 44 of the Code of the Pleasant Valley.
- B. It shall be the duty of the dog control officer for the Town to bring an action against any person who has committed within the Town any violation of this chapter or Article 7 of the Agriculture and Markets Law of the State of New York. The dog control officer 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 section shall be punishable, subject to such an election, either:

- (1) Where prosecuted pursuant to the penal law, by a fine of not less than \$25, except that where the person was found to have violated this section or former Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not less than \$50, and where the person was found to have committed two or more such violations within the preceding five years, the violation shall be punishable by a fine of not less than \$100 or imprisonment for not more than 15 days, or both; or
- (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than \$25, except that where the person was found to have violated this section or former Article 7 of the Agriculture and Markets Law within the preceding five years, the civil penalty may not be less than \$50, and where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not less than \$100.

**SECTION 5.           SUPERSESSION.**

It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this local law.

**SECTION 6.           SEVERABILITY.**

If any provision of this local law is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this local law.

**SECTION 7.           EFFECTIVE DATE.**

This Local Law shall become effective immediately upon its filing in the Office of the New York State Department of State.