A local law to amend the Code of the Town of Greenburgh, pursuant to the New York State Constitution Article IX and New York Municipal Home Rule Law § 10, by repealing and replacing Chapter 310, entitled “ANIMAL CONTROL” in the Code of the Town of Greenburgh.

§ 1. Enactment of Chapter 310 Entitled “ANIMAL CONTROL.”

- § 310-1. Legislative Findings and Intent.
- § 310-2. Authority.
- § 310-3. Title.
- § 310-4. Definitions.
- § 310-5. Licensing of Dogs; Fees; Identification Tags.
- § 310-9. Offenses Against Service Animals and Handlers.
- § 310-12. Lost or Stolen Dog Notification.
- § 310-14. Presumptive Evidence of Running At Large.
- § 310-15. Disposition of Sick and Dead Animals.
- § 310-17. Enforcement.
- § 310-18. Filing of complaint.
- § 310-19. Summons; Seizure; Impoundment; Redemption.
- § 310-20. Interference with Impounding.
- § 310-21. Funds for Animal Control services.
- § 310-22. Penalties for Offenses.

§ 2. Severability.

§ 3. Supersession.

§ 4. Effective date.
BE IT ENACTED by the Town Board of the Town of Greenburgh

§ 1. Chapter 310 of the Code of the Town of Greenburgh is hereby repealed and replaced as follows:

CHAPTER 310 ANIMAL CONTROL

§ 310-1. Legislative Findings and Intent.

The Town Board of the Town of Greenburgh finds that the running At Large and other uncontrolled behavior of Dogs and other Domestic Animals have caused physical harm to persons, damage to property and a nuisance within the town. The purpose of this chapter is to protect the health, safety and well-being of persons, safeguard property from damage, and mitigate other potential animal-related nuisances through the imposition of restrictions and regulations upon the keeping or running At Large of Dogs and other Domestic Animals, the seizure thereof, and the enforcement of the humane treatment of all animals within the Town.

§ 310-2. Authority.

This chapter is enacted pursuant to the provisions of the New York Constitution Article IX, New York Municipal Home Rule Law § 10, Article 7 and Article 26 of the Agriculture and Markets Law and a Town Board resolution dated November 22, 2010.

§ 310-3. Title.

The title of this chapter shall be “Animal Control.”

§ 310-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated. Should a term be used in this chapter that is not defined in this section, then it shall have the meaning indicated in §108 of the Agriculture and Markets Law, if defined therein.

ANIMAL CONTROL OFFICER – Any individual appointed by the Town Board of the Town of Greenburgh to assist in the enforcement of this chapter.

AT LARGE – Any Dog or Domestic Animal that is unleashed and on property open to the public or is on private property not owned or leased by the Owner of the Dog or Domestic Animal unless permission for such presence has been obtained, and any Dangerous Dog as defined in this chapter that is out of doors on the property of the Owner and not restrained and confined pursuant to court order.
DANGEROUS DOG – A Dog that has been determined by the Court, following a hearing, to be dangerous, pursuant to the provisions of Article 7, Section 123 of New York State Agriculture and Markets Law.

DETECTION DOG – Any Dog that is trained and is actually used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DISABILITY – shall be defined as set forth in the ADA Amendments Act of 2008, Public Law 110-325.

DOG – Any member of the species Canis familiaris.

DOMESTIC ANIMAL – As defined by the New York State Agriculture and Markets Law, any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer which is raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the state Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered Domestic Animals for the purposes of this chapter.

GUIDE DOG – Any Dog that is trained to aid a person who is blind and is actually used for such purpose, or any Dog owned by a recognized Guide Dog training center located within the state during the period such Dog is being trained or bred for such purpose.

HANDLER -- A person with a Disability using a Service Animal.

HARBOR – To provide food or shelter to any Dog or Domestic Animal.

HEARING DOG – Any Dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any Dog owned by a recognized training center located within the state during the period such Dog is being trained or bred for such purpose.

IDENTIFICATION TAG – A tag issued by the Town of Greenburgh which sets forth the identification number, “Town of Greenburgh, NY,” the phone number of the Greenburgh Police Department, and such other information as the Town Board deems appropriate.

JURISDICTION – The unincorporated area of the Town of Greenburgh, and each of the Town’s six villages that have transferred Dog licensing responsibility to the Town by a duly adopted resolution.

LEASH – A length of material or chain no longer than six (6) feet in length and of sufficient durability to restrain a Dog or Domestic Animal from roaming At Large or in the case of a Dangerous Dog, a length of material or chain no longer than four (4) feet in length and of sufficient durability to restrain a Dangerous Dog from roaming At Large.
OWNER – Any person who harbors, keeps or has the care, custody or control of any Dog. In the event that any Dog found in violation of this chapter shall be owned by a person less than 18 years of age, the “owner” shall be deemed to be the parent or guardian of such person or the head of the household in which said person resides.

OWNER OF RECORD – The person in whose name any Dog was last licensed pursuant to this chapter, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any Dog was last licensed or if the owner of record has filed a statement pursuant to Sections 310-11 and 310-12 of this chapter, the Owner shall be deemed to be the owner of record of such Dog, except that if the Owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PET DEALER – Any person or firm which engages in the sale of more than nine (9) animals per year for profit to the public. Includes breeders who sell animals. Exception: breeders who sell directly to the consumer fewer than 25 animals per year that are born and raised on the breeders’ residential premises. (N.Y. AGRIC. & MKTS. LAW § 400, N.Y. GEN. BUS. LAW § 752-a)

POLICE WORK DOG – Any Dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

SERVICE ANIMAL – Any animal that has been partnered with a person who has a Disability and has been trained or is being trained, by a qualified person, to aid or guide a person with a Disability.

SERVICE DOG – Any Dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a Disability, provided that the Dog is or will be owned by such person or that person’s parent, guardian or other legal representative.

THERAPY DOG – Any Dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose.

TORTURE or CRUELTY – An act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

WAR DOG – Any Dog which has been honorably discharged from the United States armed services.

WILD ANIMAL – Any or all of the following orders and families:
A. Nonhuman primates and prosimians;
B. Felidae (including leopards, cheetahs, cougars and other cats, with the exception of domesticated cats);
C. Canidae (coyotes, foxes, jackals, wolves, and dogs with the exception of
domesticated dogs);  
D. Ursidae (bears);  
E. All venomous snakes and all constrictors and python snakes that are ten feet or
greater in length; and  
F. Crocodilia that are five feet or greater in length.

WORKING SEARCH DOG – Any Dog that is trained to aid in the search for missing
persons, is actually used for such purpose and is registered with the department; provided,
however, that such services provided by said Dog shall be performed without charge or fee.

§ 310-5. Licensing of Dogs; Fees; Identification Tags.

A. Except as provided for in Section 310-5F, all Dogs over the age of 4 months whose
place of residence or domicile, or whose Owner’s place of residence or domicile, is
within the confines of the Jurisdiction are required to be licensed pursuant to the
provisions of Article 7 of the Agriculture and Markets Law of New York State and
pursuant to this chapter. The Owner of each Dog required to be licensed shall
obtain, complete and return to the Town Clerk a Dog license application together
with the license fee, any applicable license surcharges and such additional fees as
may be established by a duly adopted resolution of the Town Board. Each license
application shall be accompanied by:

(1) 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 shall not be required; and

(2) if a Dog has been spayed or neutered, a certificate signed by a licensed
veterinarian or an affidavit signed by the Owner unless such proof is already
on file with the Town Clerk. In lieu of such proof, a statement signed by a
licensed veterinarian that spaying or neutering would endanger the Dog’s life
shall serve as notice that the fee to license the Dog should be the same as for a
spayed or neutered Dog.

B. Each license shall be non-transferable and valid for a period of one (1) year and shall
be renewable annually thereafter prior to the expiration date. A late fee will be
assessed for applications received fifteen (15) days or more after the date of
expiration.

C. The license fee is to be set by the Town Clerk subject to the approval of the Town
Board. Pursuant to §110(3) of the Agriculture and Markets law, the license fee shall
include the additional sum of at least one dollar ($1) for spayed or neutered Dogs
and at least three dollars ($3) for unaltered Dogs. No refund of fees shall be made
once an application has been submitted to the Town Clerk.

E. Each Dog licensed shall be issued an Identification Tag, which shall be affixed to a collar that shall remain on the Dog at all times that the Dog is not participating in a Dog show. The fee for a replacement tag shall be at least five dollars ($5).

F. Licensing shall not be required for Dogs confined to:

(1) a hospital devoted solely to the treatment of sick animals.

(2) the premises of any college or other educational or research institution for the purposes of research.

(3) the premises of any person, firm or corporation engaged in the business of breeding or raising dogs for profit and licensed as a class A dealer under the Federal Laboratory Animal Welfare Act.


In addition to the provisions in § 310-5, the Owner of any “Dangerous Dog” as defined herein, must indicate such on the license application and obtain from the Town Clerk an Identification Tag with the designation “DANGEROUS DOG” as issued by the Town of Greenburgh. The additional requirements for this form of license are the following:

A. An additional annual application fee of one-hundred dollars ($100).

B. Proof of a liability insurance policy in an amount determined by the Court, for the compensation of people injured and/or property damaged as a result of actions of a Dangerous Dog, in a form satisfactory to the Town Attorney. In the event the Court does not prohibit a liability policy but does not set a policy amount, the amount of the liability insurance policy shall be one hundred thousand dollars ($100,000).


The knowledge of the presence of dangerous Wild Animals, and Dangerous Dogs, in the context of emergency services responses, is necessary to protect public safety and the safety of emergency services personnel.

A. Except for Pet Dealers and zoological facilities and other exhibitors licensed pursuant to title 7 U.S.C. sections 2133 and 2134, and in the case of Dangerous Dogs except for licensed veterinarians in temporary possession of such dogs, every person owning, possessing, or Harboring a Wild Animal or a Dangerous Dog shall report the presence thereof to the Town Clerk. Such “Report of the Presence of Wild
Animals,” available on the NYS Department of State Website and in the Town Clerk’s Office, shall be filed annually on or before April 1. A separate report shall be filed for each street address at which any such Wild Animal or Dangerous Dog may be found.

B. The Town Clerk shall forward a copy of such report to each state police troop, county sheriff, and municipal police agency having jurisdiction over the location of such Wild Animal or Dangerous Dog. A copy thereof shall also be forwarded to each fire department or fire company serving such location and to each ambulance or emergency medical service department, ambulance corporation, or ambulance or emergency medical service company serving such location. In lieu of forwarding a copy of each report, the Town Clerk may compile the contents of the several reports, and forward the compilation.

§ 310-8. Violations.

In addition to other violations identified in this chapter, it shall be a violation for:

A. Any Owner to fail to license any Dog;

B. Any Owner to fail to have any Dog identified as required by this chapter;

C. Any person to knowingly affix to any dog any false or improper Identification Tag, special identification tag for identifying guide, service or hearing dogs or purebred license tag.

D. Any Owner or custodian of any Dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this chapter.

E. Any person to furnish any false or misleading information on any form required to be filed with the Town pursuant to the provisions of this chapter or rules and regulations promulgated pursuant thereto.

F. The Owner or custodian of any dog to fail to exercise due diligence in handling her or his Dog if the handling results in harm to another Dog that is a Guide Dog, Hearing Dog or Service Dog.

G. Any Owner of a Dog to fail to notify the Town of any change of ownership or address as required by Sections 310-11, 310-12 and 310-13 of this chapter.

§ 310-9. Offenses Against Service Animals and Handlers

A. Any person who owns an animal or possesses control of such animal and who, through any act or omission, recklessly permits her or his animal to interfere with the proper working of a Service Animal, exposing the Handler and Service Animal
to danger or resulting in injury or death of the Service Animal shall be subject to a civil penalty not to exceed one thousand dollars ($1,000) in addition to any other applicable penalties.

B. Any person who owns an animal or possesses control of such animal and who, through any act or omission, recklessly permits her or his animal to interfere with the proper working of a Service Animal, exposing the Handler and Service Animal to danger or resulting in injury or death of the Service Animal, where the animal causing such injury has previously been determined to be Dangerous pursuant to this chapter, shall be guilty of a violation punishable by a fine of not more than two thousand dollars ($2,000), or by a period of imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment in addition to any other applicable penalties.

§ 310-10. Restrictions.

It shall be unlawful for any person owning, harboring or having custody and control of any Dog or Domestic Animal to permit or allow such Dog or Domestic Animal in the Town of Greenburgh to:

A. Be At Large. Cats, except when in heat, are exempted from this provision.

B. Engage in repeated loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably annoy any person.

C. Cause damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than the Owner of such Dog or Domestic Animal.

D. Chase or attack any person peacefully conducting herself or himself in any place where such person may lawfully be or to chase or attack any Dog or Domestic Animal while such Dog or Domestic Animal is in any place it may lawfully be.

E. Repeatedly chase, run alongside of or bark at motor vehicles or bicycles.

F. Soil or commit any nuisance on any commonfare or any place where the public congregates or walks, except that one walking or exercising such Dog or Domestic Animal shall be permitted to curb such Dog or Domestic Animal in that portion of the street lying between the curblines. It shall be the duty of any person who so curbs a Dog or Domestic Animal to immediately remove all feces left by such Dog or Domestic Animal, depositing the same directly into an airtight container, which shall then be deposited into a container used for the disposal of refuse. This provision shall not be applicable to a blind person while actually using a Guide Dog licensed as such pursuant to § 110 of the Agriculture and Markets Law. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.
G. Be in a public place, including a street, sidewalk or any public ground without being restrained by a leash of not greater than six (6) feet in length or, if a Dangerous Dog, not greater than four (4) feet in length.

§ 310-11. Change of Ownership or Address Notification.

In the event of a change in the ownership of any Dog which has been licensed pursuant to this chapter or in the address of the Owner of Record of any such Dog, the Owner of Record shall, within ten (10) days of such change, file with the Town Clerk a written report of such change. Such Owner of Record shall be liable for any violation of this chapter until such filing is made or until the Dog is licensed in the name of the new Owner.

§ 310-12. Lost or Stolen Dog Notification.

If any Dog which has been licensed pursuant to this chapter is lost or stolen, the Owner of Record shall, within ten (10) days of the discovery of such loss or theft file with the Town Clerk a written report of such loss or theft. The Owner of Record of any such Dog shall not be liable for any violation of this chapter committed after such report is filed.


In the case of a Dog's death, the Owner of Record shall notify the Town Clerk no later than the time the license must be renewed.

§ 310-14. Presumptive Evidence of Running At Large.

Proof of the running or being At Large of a Dog or Domestic Animal contrary to the provisions of this chapter shall be presumptive evidence that the person in whose name such Dog or Domestic Animal is licensed and/or the person who Harbors such Dog is the person who permitted or allowed such Dog or Domestic Animal to run or be At Large.

§ 310-15. Disposition of Sick or Dead Animals.

Every person having a dead animal or any animal diseased past recovery or sick with any contagious or infectious disease on her or his premises in the town and every person who has in her or his charge or under her or his control any animal which has died of any contagious or infectious disease in any street or place in the town shall at once remove or cause to be removed every such animal and dispose of same as the County Commissioner of Public Health may direct.

A. Pursuant to Article 26 of the Agriculture and Markets Law, it shall be unlawful for any person in the Town of Greenburgh to, by act, omission or neglect, cause or permit torture or cruelty to be visited upon any animal in the Town.

B. It shall also be unlawful for any Owner of any Dog or Domestic Animal to:

   (1) Permit the premises, structure or enclosures in which a Dog or Domestic Animal is kept to be so unclean or unsanitary as to create either a public nuisance or a health hazard to the Dog or Domestic Animal itself.

   (2) Keep any Dog or Domestic Animal without daily feeding and watering the same and providing adequate shelter from the elements.

§ 310-17. Enforcement.

A. The position of Director of Animal Control Services for the Town of Greenburgh was created pursuant to a Town Board Resolution of 1982 and is hereby reauthorized.

B. The Director of Animal Control Services shall be responsible for coordinating the following procedures relative to animal control in the Town of Greenburgh.

   (1) Animal Control Officer schedules.

   (2) Preparation of summonses for owners of unlicensed Dogs who fail to respond to notice letters prepared by the Town Clerk.

C. The position of Animal Control Officer is hereby reauthorized and the Town Board has authority to appoint as many officers as deemed necessary.

D. The Animal Control Officers shall, in addition to any other duties imposed by the Agriculture and Markets Law on dog control officers, have the authority to enforce this chapter, the Animal Control Law of the Town of Greenburgh, as shall any sworn member of any police department in the Jurisdiction.

§ 310-18. Filing of Complaint.

A complaint may be filed by any person who observes any Dog or Domestic Animal in violation of this chapter by signing a complaint form with an Animal Control Officer or filing a complaint under oath or affirmation with a Justice of the Town of Greenburgh specifying the nature of the violation, the date thereof, the place of occurrence, a description of the Dog or Domestic Animal and the name and residence of the Owner of
the Dog or Domestic Animal that is the subject of the complaint. Such complaint may serve as the basis for enforcing the provisions of this chapter.


A. Any Animal Control Officer in the employ of or under contract to the Town of Greenburgh or any police officer employed in the Jurisdiction observing a violation of this chapter in her or his presence may issue and serve an appearance ticket for such violation or take such other action as provided for in the Agriculture and Markets Law.

B. A summons shall be issued to any person for whom probable cause exists violated this chapter, and, in cases of alleged torture or cruelty to animals, it shall be discretionary with the court to exercise its equitable powers for humanitarian purposes such that any animal victimized by torture or cruelty may be seized and impounded where necessary humane and veterinary care may be rendered to it.

C. If any person convicted of torture or cruelty to an animal is the Owner of that animal, it shall be discretionary with the court whether such animal shall be returned to said person so convicted or released to the care of a shelter or humane society for adoption.

D. If any Dog is found in violation of the provisions of this chapter, a summons shall be issued to its Owner and said Dog may also be seized pursuant to the provisions of § 117 of the Agriculture and Markets Law. The Animal Control Officer shall make reasonable attempts to locate and notify the Owner of a seized Dog prior to impounding it at any shelter.

If the Animal Control Officer, after making reasonable attempt(s) to locate a Dog’s Owner and return the Dog thereto, fails to locate such Owner, the Dog shall be taken to a shelter designated by the Town Board and there, attempts will again be made to notify the Owner of Record of such Dog personally or by certified mail, return receipt requested, of the facts of the seizure and the procedure for redemption. If notification is personally given, such Dog shall be held for a period of seven (7) days after the day of notice, during which period the Dog may be redeemed by the Owner. If such notification is made by mail, such Dog shall be held for a period of nine (9) days from the date of mailing, during which period the Dog may be redeemed by the Owner.

E. Every Dog impounded shall be properly cared for, sheltered, fed and watered for the redemption periods set forth above in Section D.

F. Impounded Dogs may be redeemed by providing proof of licensing at a shelter designated by the Town Board and paying an impoundment fee of thirty dollars ($30) and fifteen dollars ($15) for each additional twenty-four hours, or part thereof,
the Dog remains sheltered. The fees collected shall be forwarded to the Town and used to enforce this chapter.

G. If the Owner of any unredeemed Dog is known, such Owner shall be required to pay the impoundment fee and daily shelter fee, whether or not such Owner chooses to redeem her or his Dog.

H. The Owner of any Dog seized and impounded pursuant to § 123, entitled “Dangerous Dogs,” of the New York State Agriculture and Markets Law, shall be required to pay the thirty dollar ($30) impoundment fee and fifteen dollar ($15) daily shelter fee to the shelter for a period of time deemed appropriate by the court. These fees shall be required unless a determination is made by a Town Justice that the Dog is not deemed to be a Dangerous Dog and that there has not been a violation of this chapter. The fees collected shall be forwarded to the Town and used to enforce this chapter.

§ 310-20. Interference with Impounding.

No person shall rescue or turn away from the custody of an Animal Control Officer or police officer driving, leading or conveying to a shelter any Animal prohibited from running At Large on any street or public place and no person shall interfere with, obstruct or hinder such a person in the performance of these duties.

§ 310-21. Funds to Cover Animal Control Services.

Pursuant to Article 7 of the Agriculture and Markets Law, Section 115, the Town of Greenburgh shall not be required to expend in any calendar year for Animal Control Officers and shelter services undertaken pursuant to this chapter, an amount of money greater than it receives during such year pursuant to this chapter and any local law or ordinance enacted pursuant thereto.

§ 310-22. Penalties for Offenses.

A. Each and every violation of this chapter shall be punishable by a fine of not more than fifty dollars ($50) for the first offense. Each day a violation continues shall constitute a separate offense.

B. After an individual has been convicted of a violation of any provision of this chapter, any subsequent conviction for a violation of any provision of this chapter within five (5) years shall be punishable by a fine of not less than fifty dollars ($50) nor more than two hundred-fifty dollars ($250) and/or imprisonment for not more than fifteen (15) days.
C. Any person convicted of Torture or Cruelty to an animal shall be required to pay, in addition to the mandatory fine, the cost of veterinary care required by that person’s acts or omissions or neglect.

D. For the purpose of determining a violation of this chapter, the prior conduct of the person, Dog or Domestic Animal shall be admissible, whether or not such conduct has resulted in an individual being convicted of a violation of this chapter or any other law or ordinance applicable thereto.

E. Any person who fails to report the presence of a Wild Animal or Dangerous Dog as required in this chapter shall be subject to a civil penalty of not more than two hundred fifty dollars ($250) for the first offense, and upon being found guilty of a second or subsequent offense, by a civil penalty of not less than two hundred fifty dollars ($250) or more than one thousand dollars ($1,000). Except as otherwise provided by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of a person found guilty thereof.

F. Any person who intentionally refuses, withholds, or denies a person, because she or he is accompanied by an on-duty Police Work Dog, Working Search Dog, War Dog, or Detection Dog as defined in section 310-4 of this chapter, any accommodations, facilities, or privileges thereof shall be subject to a civil penalty of up to two hundred dollars ($200) for the first violation and up to four hundred dollars ($400) for each subsequent violation.

§ 2. Severability.

If any clause, sentence paragraph, subdivision, section or part of this chapter or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. Supersession.

Pursuant to Municipal Home Rule Law § 22, this local law is intended to supersede any inconsistent provision of law.
§ 4. Effective date.

This law shall take effect on January 1, 2011.

Additionally, with the exception of § 310-6 regarding Dangerous Dogs, no Owner of any Dog licensed within the Jurisdiction, at the time this law takes effect, shall be required to obtain a new license prior to the expiration of the Dog’s current license.