

**[HISTORY: Adopted by the Town Board of the Town of Mamaroneck: Art. I, as ordinances of 2-17-1937 and 9-5-1962 (Ch. 6, Art. I, of 1975 Code); Art. II, 7-11-1979 as L.L. No. 2-1979 (Ch. 6, Art. II, of 1975 Code). Amendments noted where applicable.]**

**ARTICLE I General Provisions (§ 58-1 — § 58-9)**

**[Adopted as ordinances of 2-17-1937 and 9-5-1962 (Ch. 6, Art. I, of 1975 Code)]**

**§ 58-1 Applicability.**

This Article shall apply only to that part of the Town of Mamaroneck outside of incorporated villages, and whenever and wherever the words "Town of Mamaroneck" are used, such words shall mean the Town of Mamaroneck outside of incorporated villages.

**§ 58-2 Definitions.**

**[Added 5-3-1939]**

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

**PERSON**

Includes individuals, copartnerships, corporations and incorporated and joint-stock associations.

**§ 58-3 Swine.**

No swine shall be kept in the Town of Mamaroneck.

**§ 58-4 Permits for calves.**

No person shall sell or keep at any place in the Town of Mamaroneck any calves, without a permit therefor issued by the Town Board, or otherwise than in accordance with the terms of said permit granted by the Town Board.

**§ 58-5 Running at large; nuisances.**

The following shall apply to all animals, except cats or dogs, and to all fowl:

A.

No animal, bird or fowl shall be allowed to run at large in the Town of Mamaroneck except upon the premises of the person who owns, keeps, harbors or otherwise has the care or custody of such animal or except upon the premises of any other person with the knowledge and consent of such other person.

B.

When a Town Justice, upon written complaint and after a hearing upon due notice to each owner, custodian or person in charge of any animal, bird or fowl, shall find the noise, damage or injury to property made by such animal, bird or fowl a public nuisance, such animal, bird or fowl shall be forthwith impounded, at his direction, unless the owner, custodian or person in charge shall give assurance satisfactory to such Town Justice that such nuisance shall be forthwith abated. If such assurance is violated, the animal, bird or fowl shall be forthwith impounded.

**§ 58-6 Dogs; penalties for offenses.**

Dogs, whether licensed or not, shall be subject to the following restrictions:

A.

No person owning or having the custody and control of a dog shall permit such dog to be at large in the Town of Mamaroneck elsewhere than on the premises of the owner, except it may be on the premises of another person with the knowledge and consent of such other person.

B.

The owner or person having the custody and control of a dog, in said Town of Mamaroneck, which is not on the premises of the owner or upon the premises of another person with the knowledge and consent of such person, shall control and restrain such a dog by a leash.

C.

The fact that a dog is at large in the Town of Mamaroneck elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.

D.

A violation of this section shall be an offense and shall be punishable by a fine of not less than \$10 nor more than \$150 or by imprisonment of not more than 25 days. **[Amended 7-11-1979]**

### **58-7 LICENSING OF DOGS; DOG CONTROL; FEES**

**[Added 11-1-1978 by L.L. No. 1-1978; amended 10-3-1979 by L.L. No. 4-1979; amended 11-30-2010 by L.L. No.10-2010]**

- A. Unless exempted, the Town of Mamaroneck shall license all dogs located within the Town which are four (4) months of age or older. 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 application fee set forth in section A250-1 A. below, any applicable license surcharges and such additional fees that may be established by the Town Board. Each license application shall be accompanied by 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. Each dog license issued shall be valid for a period of one year and shall not be transferrable.
- B. The application for a dog license shall be on a form approved by the Town Clerk. The application (i) shall state the sex, the actual or approximate age, the breed, the color and other identification marks of the dog (ii) in the case of a renewal of a license, shall state the identification number of the dog, (iii) shall state the name, the address (both postal and e-mail) and a telephone number of the owner and (iii) shall contain a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision two of section 109 of the NY Agricultural and Markets Law. The application for a spayed or neutered dog which the Town is asked to license for the first time also shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate or the affidavit, an owner may present a statement certified by a licensed veterinarian stating that 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.
- C. The Town Clerk shall not issue a dog license for a period which expires after the last day of the eleventh month following the expiration date of the rabies certificate included with the application for a dog license.
- D. All dog licenses issued by the Town shall expire on the last day of the twelfth month following the month in which the Town issued such license.
- E. Though their dogs are required to be licensed, the owners of a guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or a therapy dog shall not be required to pay the fee for licensing such a dog.
- F. A dog participating in a dog show shall not be required to wear its dog license while participating in such show.
- G. All dog owners shall respond to the Town whenever the Town conducts an enumeration of dogs pursuant to section 113 (6) of the New York Agricultural and Markets Law. Failure to respond within the time allotted for doing so shall result in the dog owner being liable for the fine set forth in section A250-1 A., below.
- H. Any violation of this law or of article 7 of the New York Agricultural and Markets Law shall be prosecuted as a violation under the New York State Penal Law.

Such prosecutions shall be commenced by the issuance of an appearance ticket by any dog control officer, peace officer, constable or police officer.

#### **58-8 IMPOUNDMENT AND REDEMPTION FEES**

**[Added 11-1-1978 by L.L. No. 1-1978; amended 10-3-1979 by L.L. No. 4-1979; amended 11-30-2010 by L.L. No.10-2010]**

A dog owner whose dog is impounded shall be liable for the fees for impoundment and redemption from impoundment set forth in section A250-1 A. below.

Code Section	Subject	Fee or Deposit
§58-7A.	Dog license for each neutered male or spayed female dog	\$20.00
§58-7A.	Dog license for each unneutered male or unspayed female dog	\$25.00
§58-7G.	Failure to respond to an enumeration within the time allotted	\$50.00
§58-8	Fee for impoundment:	\$10.00 per day
	Redemption of an impounded animal:	
	first impoundment within any calendar year	\$40.00
	second impoundment within same calendar year	\$50.00
	a subsequent impoundment within same calendar year	\$60.00

#### **§ 58-9 Penalties for offenses.**

**[Amended 12-17-1953; 10-20-1954**

*Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.*

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A.

Any person violating any of the provisions of this Article, as the same may be from time to time amended, for which no other penalty is provided, shall be guilty of a violation punishable by imprisonment for not more than 15 days or by a fine of not more than \$1,000, or both.

B.

Additional penalties.

(1)

Violation of §§ [58-3](#) and [58-4](#) of this Article shall subject the offender, for each offense, to a civil penalty not to exceed \$50.

(2)

The penalty for violation as above provided shall be in addition to any fine provided for in § [58-9A](#).

(3)

Every day or part thereof that such violation shall continue shall be deemed to be a separate and distinct violation of the several provisions of this Article and shall render every person liable for a separate penalty for each such violation.

**ARTICLE II Removal of Canine Waste (§ 58-10 — § 58-11)**

**[Adopted 7-11-1979 as L.L. No. 2-1979 (Ch. 6, Art. II, of 1975 Code)]**

**§ 58-10 Removal required.**

No person owning, harboring, keeping, walking or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any public property nor on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of a street lying between the curblines, which portion may be used to curb such dog under the following conditions:

A.

Any person who so curbs a dog shall immediately remove all feces deposited by such dog as follows: Feces shall be picked up with a scoop, shovel, broom, tong or other similar implement and deposited directly in an airtight container, plastic or otherwise, and then subsequently deposited in a container used for the disposal of refuse or by any other method approved by the Town Board.

B.

In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.

**§ 58-11 Penalties for offenses.**

Any person violating this Article shall be subject to a fine and penalty of not less than \$50 nor more than \$250.