

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE**  
**Held In Room 318**  
**PUTNAM COUNTY OFFICE BUILDING**  
**CARMEL, NEW YORK 10512**

**Members: Chairman Sullivan and Legislators Addonizio & Albano**

**Wednesday**

**6:30pm**

**May 10, 2017**

The meeting was called to order at 6:32pm by Chairman Sullivan who led in the Pledge of Allegiance. Upon roll call, Legislator Albano and Chairman Sullivan were present. Legislator Addonizio was absent. Chairman Sullivan stated Legislator Jonke would sit in on the Committee in Legislator Addonizio's absence.

**Item #3 – Approval of Minutes – April 18, 2017**

The minutes were approved as submitted.

**Item #4 - Putnam County Society for Prevention of Cruelty to Animals/ Chief  
Kenneth Ross**

Legislator Albano made a motion to waive the rules and accept the additional;  
Seconded by Legislator Jonke. All in favor.

**a. Update/ Animal Cruelty Registry**

Chief of the Putnam County Society for Prevention of Cruelty to Animals (PCSPCA) Kenneth Ross stated the Animal Cruelty Registry is currently on the PCSPCA website (<http://spcaputnam.org/putnam-county-animal-cruelty-registry/>). He stated there are currently no entries in Putnam County on the Registry; however the website includes links to other animal cruelty registries throughout New York State. He stated there was recently an individual from Brewster with a felony indictment, who may be the first person on the Registry. He stated having no entries currently on the Registry is a good thing.

Chairman Sullivan clarified that the Animal Cruelty Registry is up and running on the PCSPCA website.

Chief Ross stated that is correct. He stated their website is being redone and will be more user-friendly when it is complete.

**b. Discussion/ Laws Pertaining to Dangerous Dogs**

Chief Ross stated there have been many instances in Putnam County where dogs have attacked humans. He stated when an attack occurs the law that comes into play is the New York State Agriculture & Markets Law Chapter 55, Article I, Section 55-17 Entitled "Dangerous Dogs." He stated many towns have placed this section of the Agriculture &

Markets Law in their town code, keeping any revenue generated through it in the town. He stated many times, this will tie the hands of the judge. He stated in the case of a heinous incident, it has been requested by various towns to prosecute the case through the New York State Agriculture & Markets Law rather than the town law. He stated having to go through the State could be avoided if Putnam County were to create a County Law pertaining to dangerous dogs. He stated many times when a dog is declared dangerous; the owner will be given requirements such as installing an invisible fence so the dog cannot leave the property. He stated under the New York State General Municipal Law any harmful animals must be reported to the Town Clerk, who then has the responsibility to notify first responders of the dangerous animal at that location. He stated often times this process is not followed. He stated in a situation where a judge orders an invisible fence to be installed and emergency personnel are called to the residence, the first responders are entering the area with the dangerous dog without knowledge of it. He also stated neighbors could accidentally cross the property line, where they would then be within the perimeters of the invisible fence, and vulnerable to the dog. He stated neighborhoods as a whole are also at risk because the dog could potentially run through the invisible fence. He proposed creating a "Dangerous Dog Act" that would include a registry of dangerous dogs. He directed the Committee's attention to the attached PowerPoint Presentation. He stated any dog deemed dangerous by any court of competent jurisdiction, inside or outside of New York State, would be placed on the proposed dangerous dog registry. He stated including rulings by courts outside of New York would cover any owner who moved into New York with their dog from another State. He stated information such as the age and breed of the dog and the owner's name and address should be included on the registry. He stated this would allow neighbors to check if there are dangerous dogs in their neighborhood. He stated on page 4 of the PowerPoint presentation, a screenshot is shown of the Dangerous Dog Registry in Westchester County. He stated the Registry in Westchester is monitored through the Health Department. He stated the State of Virginia has a statewide Dangerous Dog Registry as well, shown on page 5 of the PowerPoint. He stated page 6 of the PowerPoint shows the information Westchester County requires on their Registry: the owner's name and address, the age of the dog, the breed of the dog, and the date the dog was declared dangerous. He stated if Putnam County were to have such a registry, a picture of the dog would be mandated in addition to the items listed above. He stated with a picture, it can be easily identified. He stated the registry would include any dog declared dangerous by any court that is harbored in Putnam County, even if the declaration occurred prior to the enactment of the law. He stated the proposed law includes requirements the owner must follow if their dog is declared dangerous (page 8 & 9 of the PowerPoint). He stated one requirement is to confine the dog to a penned in area with a sturdy eight (8) foot high fence. He stated the height is so the dog cannot jump over the fence. He stated an invisible fence will not suffice. He stated another requirement would be to have the dog to wear a fluorescent orange collar at all times. He stated the collar will alert the public that the dog is dangerous before they get close.

Chairman Sullivan stated he had a comment about the fencing requirement. He stated an invisible fence would not alert people coming on to the property about the dangerous dog, and the dog could possibly run through the electric fence.

Chief Ross stated the dog could run through the electric fence and there are instances when the battery in the collar dies. He also stated the power to the fence could be interrupted during a storm or outage. He restated these requirements would be for dogs who have gone through the court system and have been deemed dangerous by a judge. He stated another requirement in the proposed law is that the dog shall not be harbored within 500 feet of a school, hospital, clinic, emergency care facility, assisted living facility, nursing home, day care center, park, or recreational center.

Legislator Nacerino stated she also had a comment about the fencing requirement. She requested clarification about whether the eight (8) foot fence would be a pen or a fence around the perimeter of the entire yard. She stated a fence that high may violate local zoning laws.

Chief Ross stated the reason the height of eight (8) feet would be required is because some of the dogs can jump very high.

Legislator Nacerino stated the owner of the dog would be required to obtain a variance to install a fence that high. She stated the maximum height for a fence in the Town of Patterson is six (6) feet.

Chairman Sullivan stated if a dog has been declared dangerous and the owner wants to keep that dog and potentially put other people in danger, the owner will have to take these steps to prevent another incident.

Legislator Nacerino stated perhaps there could be communication with local municipalities regarding why the height of the fence is important.

Legislator Castellano stated in the requirement regarding the fence, it would be helpful to also outline the area required per dog to ensure the dog has enough space to move around.

Chief Ross stated the dog could be put on a run outside to provide adequate space, but the proposed law is designed to give the impression that the dog is not welcome in the neighborhood because it is dangerous.

Chief Ross handed out correspondence.

Legislator Jonke made a motion to waive the rules and accept the additional; Seconded by Legislator Albano. All in favor.

Chief Ross read from the correspondence he handed out which outlined a situation where a dog attacked and seriously injured a four (4) year old girl. He stated in this

specific instance, the dog attacked without provocation or justifiable reason. He stated the dog continued to attack the child and her nanny until the nanny was able to get the dog to release the child. He stated once the child was released the dog attempted to continue the attack. He stated the child suffered serious physical injury. He stated this is an example of the types of dogs this law is made for. He stated the law was written in a way that puts the public first.

Legislator Nacerino stated she agrees, however she is unaware if this proposed law would supersede a town law. She suggested communicating with local municipalities to ensure the requirements put on the owner would coincide with town laws.

Legislator Castellano stated the enclosure should be clarified.

Legislator Nacerino questioned if the eight (8) foot fence is referring to a pen or around the entire yard.

Chief Ross stated it refers to a penned in area.

Chairman Sullivan stated this proposed law is a draft and these concerns can be addressed.

Legislator Jonke questioned how many dangerous dogs are in the County.

Chief Ross stated he is not sure. He stated having a central registry would provide that information. He stated the PCSPCA is called in to towns when they would like to go through the Agriculture & Markets Law and he believed they had dealt with five (5) cases. He stated there are also dog control officers and police officers handling complaints as well. He stated the only way to find how many dangerous dogs there are in the County is to go through the files in each town.

Legislator Jonke questioned if the Carmel Police Department works with the PCSPCA.

Chief Ross stated the PCSPCA works with the police department in each town. He stated incidents involving dangerous dogs are delegated to the dog control officers.

Legislator Jonke questioned if each town has their own dog control officer.

Chief Ross stated yes, by law each town must have their own dog control officer. He stated for example, the Town of Putnam Valley contracts with the PCSPCA to provide a dog control officer.

Legislator Jonke questioned if the Town of Southeast contracts with the PCSPCA as well.

Chief Ross stated no. He stated the Town of Southeast and the Town of Kent have their own dog control officer. He stated the Town of Southeast and the Village of

Brewster use the same dog control officer. He stated there is a cost associated with dog control officers and none of the towns have a full time officer. He stated due to this, many things fall through the cracks. He stated through this proposed Dangerous Dog Act, it is their intention to create a registry of the dangerous dogs in the County as well as a registry of bites. He stated if the towns were to send the PCSPCA a weekly report, he would be willing to compile a database. He stated the severity of the incidents that have occurred has inspired this proposed Dangerous Dog Act. He continued with the list of requirements that would be placed on owners of a dangerous dog through this proposed Act. He stated 12x12 inch "beware of dog" signs would be required to face in all directions on the property. He stated the signs would need to include a symbol that would make the warning clear to children as well.

Chairman Sullivan questioned if the goal of these requirements is to make other people aware that there is a dangerous dog.

Chief Ross stated that is correct. He stated another requirement included in the proposed law is to alert all groomers, veterinarians, and kennels of the dangerous dog. He stated the dog should also be muzzled when it is not on the owner's property. He stated the dog should also be microchipped. He stated the purpose of having the dog microchipped is so if the dog gets loose, a dog control officer can scan the chip and see the dog has been declared dangerous. He stated another reason for the microchip is to avoid the owner renaming the dog and presenting it as a different, non-dangerous dog. He stated there should also be an additional Putnam County dog license at a cost of \$500.00. He stated the PCSPCA would be happy to administer the licenses.

Chairman Sullivan clarified that in order for a dog to be declared dangerous it must go through the court system and be deemed so by a judge.

Chief Ross stated yes, there is a process. He stated within 10 days of an attack, the owner of the dog will go to court and explain the incident. He stated the judge will then determine if the incident was caused due to the dog being dangerous. He again stated the General Municipal Law in New York State says once a dog is declared dangerous, it must be reported to the Town Clerk, who must then report it to all first responders. He stated the proposed law would also require the owner of the dog to take out a liability policy of \$100,000 per occurrence. He referenced page 10 of the PowerPoint presentation. He stated with a dog bite database, the number of bites and attacks can be tracked. He stated with such a database, the dog will continue to be tracked even if the owner changes location. He stated there is also a requirement that if the dog is being transferred to another person, that person's name and contact information must be released so they can be contacted to ensure they are aware that the dog has been deemed dangerous. He referenced page 11 of the PowerPoint presentation which shows a part of a similar Pennsylvania Law. He stated page 12 of the presentation shows part of a similar Colorado Law. He stated page 13 of the PowerPoint provides information about the Federation of Insured Dog Owners, which is an organization that provides liability insurance for dangerous dogs. He stated a lot of the details covered in the proposed law are cumbersome, but not impossible to come by. He stated the issue

of dangerous dogs is an important one and the PCSPCA is willing to work with the County to enact this law.

Chairman Sullivan stated he appreciates the information provided regarding dangerous dogs. He stated currently, he is unaware of how to find out if a dangerous dog could be living in your neighborhood. He stated he would like to further this discussion with the PCSPCA and the County Attorney to find a way to strengthen the laws regarding dangerous dogs and protect the residents of Putnam County.

**Item #5 - Approval/ Recommendation by Home Improvement Board/ Removal of Member/ Meagher**

Chairman Sullivan stated a letter was received from the Chairman of the Putnam County Home Improvement Board, Paul Harnish, requesting for the removal of board member Erin Meagher for the reason of absenteeism.

Chairman Castellano questioned if the removal of a board member was under the Legislature's purview.

County Attorney Jennifer Bumgarner stated under the law, the removal of a board member is under the Legislature's purview.

Legislator Albano made a motion to pre-file the necessary resolution; Seconded by Legislator Jonke. All in favor.

**Item #6 - Discussion/ Proposal for Proclamation**

Chairman Sullivan stated he would like to present a proclamation for Kevin Bailey, who has been involved in organizations in the County such as the Mahopac Chamber of Commerce, the Putnam County Economic Development Corporation, and the Putnam County Industrial Development Agency. He stated he has been an advocate for business in the County. He stated he would like to recognize Mr. Bailey upon his retirement for all he has done for the business community over many years.

Legislator LoBue stated Kevin Bailey is known as the "Mayor of Mahopac."

Legislator Albano made a motion to approve the proclamation; Seconded by Legislator Jonke. All in favor.

**Item #7 - FYI/Litigation Report**

Chairman Sullivan questioned if there were any changes the Legislature should be aware of.

County Attorney Bumgarner stated some cases are getting close to the end of litigation. She stated it has been requested in the past that the Legislature receive a full report of

all pending cases twice a year. She stated that report will be submitted to the Legislature next month. She stated with the report, she will submit a cover memo highlighting the cases that are nearing the end of the litigation process.

Chairman Sullivan stated that would be very helpful.

Legislator Scuccimarra questioned a case regarding a pistol permit.

County Attorney Bumgarner stated when a pistol permit application has been denied and a full hearing is requested, the County Attorney's Office represents the Sheriff's Department, which is the presentment agency for those cases. She stated they work with the Sheriff's Department to gather the information that they have garnered as a result of their investigation and then witnesses are called, and then the judge makes the decision.

**Item #8 - Other Business - None**

**Item #9 - Adjournment**

There being no further business at 7:09pm Legislator Jonke made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant Beth Green.

# DANGEROUS DOG ACT

Proposed by The putnam couny spca

1

## Why a “Dangerous Dog Act”?

- First responders are at risk
- Neighbors are at risk
- Neighborhoods are at risk
- Dog Control Officers are at risk

2

## DANGEROUS DOG REGISTRY

- Lists dogs declared Dangerous by “any court of competent jurisdiction”
  - “any court of competent jurisdiction” would mean in NY and outside of NY
- Gives dog info (age/breed and picture) and dog owner’s name and address
  - Alerts neighbors of a dog declared Dangerous living next door
  - Provides a means for first responders to check

3

## WESTCHESTER COUNTY DANGEROUS DOG REGISTRY

Owner’s Name & Address -  
Breed – Name – Color –  
Height – Weight – Sex -  
Date Deemed Dangerous

| Breed     | Name  | Color | Height/Weight/Girth | Sex    | Date Deemed Dangerous |
|-----------|---|-------|---------------------|--------|-----------------------|
| Beantails | Lynne & Neal Clark<br>22 Vernon Road<br>Roseton, NY 10585   |       |                     |        |                       |
| Beantails | Wharton Taylor<br>Wood Street                               | Black | unavailable         | Male   | 8/15/2015             |
| Beantails | Eric Plattman<br>30 Park Ave<br>Cortlandt, NY 10520         |       |                     |        |                       |
| Beantails | Collaborative Services/Plattman and Whittemore<br>Parkville |       |                     | Female | 8/15/2015             |
| Beantails | Alan Skoff<br>1022 Park Street<br>Parkville, NY 10585       |       |                     |        |                       |
| Beantails | Phyllis<br>Cortlandt  | Black | unavailable         | Female | 11/15/2015            |

4

The Virginia Dangerous Dog Registry is a public, searchable online database of dogs declared dangerous by local courts. It also serves as the mechanism by which local animal control officers must report dangerous dogs to the Virginia Department of Agriculture and Consumer Services.

**DANGEROUS DOG REGISTRY SEARCH**

Locality  Dangerous Dog Tag #  Dog Name

Owner Street Address  Owner Zip Code

ABOUT VDACS | SERVICES/FORMS | MEDIA CENTER | CONTACT | VIRGINIA (GOV) | VIRGINIA'S FINEST  
 Copyright © 2015, Virginia Department of Agriculture and Consumer Services  
 For comments or questions concerning this website, contact the VDACS Webmaster. WVA Level A Compliant

| |

5

| Dangerous Dog Act           | Westchester | Putnam |
|-----------------------------|-------------|--------|
| Owner's Name & Address      | ✘           | ✘      |
| Picture of Dog              |             | ✘      |
| Age of Dog                  | ✘           | ✘      |
| Breed                       | ✘           | ✘      |
| Date Dog Declared Dangerous | ✘           | ✘      |

6

## Dangerous Dog Act

- ANY DOG DECLARED DANGEROUS HARBORED IN PUTNAM COUNTY
  - Dogs declared Dangerous by Putnam Courts
  - Dogs declared Dangerous by ANY court, NY or other state
  - Dogs declared Dangerous by ANY court, NY or other state before this local law

7

## DANGEROUS DOG ACT

1. CONFINED TO PENNED IN AREA ON OWNERS PROPERTY, 8 FT HIGH STURDY FENCE – NO INVISIBLE FENCE
2. bright orange fluorescent collar AT ALL TIMES
3. shall not be harbored within 500 feet of the following: a school, hospital, clinic, emergency care facility, assisted living facility, nursing home, home for the elderly, day care center, park, beach or recreational center

8

## DANGEROUS DOG ACT

4. SIGNS FACING IN ALL DIRECTIONS THAT READ "BEWARE OF DOG". THE SIGN MUST ALSO CONTAIN A SUITABLE WARNING PICTURE TO WARN CHILDREN OF THE DANGER EACH SIGN SHALL BE A MINIMUM OF 12in. X 12in.
5. REQUIREMENT TO ALERT GROOMERS, VETERINARIANS & KENNELS
3. OFF OWNER'S PROPERTY - MUZZLED
4. MICROCHIPPED – DANGEROUS DOG
5. ADDITIONAL PUTNAM COUNTY DANGEROUS DOG LICENSE - \$500 Administered by PCSPCA
6. LIABILITY POLICY \$100,000 per occurrence

9

## Dog Bite Database

Weekly reports by town police and/or town Dog Control Officers to the Putnam County SPCA who is tasked with creating a registry of dog bites against humans countywide.

10

Should the owner of a dangerous dog not euthanize his or her pet, that individual must pay \$500 and any additional administrative costs to register the canine on the list each calendar year for the life of the dog, Krepps said. They also must post a bond of \$50,000 or purchase the same amount in liability insurance to pay for future injuries that could be inflicted by the dog, she said.

Dangerous-dog owners must also do the following:

Confine the dog in a proper enclosure.

Post a warning sign with a symbol that warns children of the presence of a dangerous dog.

Keep the dog muzzled and leashed when outside the proper enclosure.

Spay or neuter the dog. Microchip the dog. Be compliant with court-ordered restitution.

Agree not to cancel liability insurance during the license period, unless he/she disposes of the dog.

Sign a statement providing that the owner will notify the dog law enforcement office, state dog warden and local police if the dog is loose, attacks a human or an animal, dies or is sold/donated.

The new owner of a dangerous dog also must register with the department, Krepps said.

([http://www.pennlive.com/midstate/index.ssf/2014/07/pit\\_bulls\\_plenty\\_of\\_other\\_bree.html](http://www.pennlive.com/midstate/index.ssf/2014/07/pit_bulls_plenty_of_other_bree.html))

11

Colorado to require microchip implants in dangerous dogs

By Nick Summers, USA TODAY

Colorado dog owners beware: A state law goes into effect today that requires implanting a microchip in dogs that injure someone. It's the latest use of the tiny device already inserted under the skin of millions of pets across the country.

These microchips are commonly used for reuniting lost pets with their owners. Each chip, about the size of a grain of rice and implanted between the dog's shoulder blades, contains a unique code that can be detected by a handheld scanner. National databases can match that number with an owner.

If a court decides after an attack that the dog is dangerous, it would require a microchip implant.

Doug Kelley, Denver's animal control director, says owners of dangerous dogs sometimes try to disguise their pets to avoid fines or prevent having to destroy the animal. The Colorado law will let officials positively identify a dog in case it bites again. Owners must pay a \$50 registration fee to the state on top of veterinarian charges for the procedure. Briargate Veterinary Clinic in Colorado Springs charges \$36, a typical price, plus \$12.50 for registration with a national database.

12

#### Federation of Insured Dog Owners

The Federation of Insured Dog Owners (F.I.D.O.) is a new organization that was launched to offer Covered Canine Liability Insurance Policies for ANY breed of dog. The developers of F.I.D.O. and its unique policy realized a much-needed niche market for a product that provides valuable liability coverage for pet owners at an affordable price.

F.I.D.O.'s Covered Canine Liability Insurance Policy will cover ANY breed of dog and protect pet owners should their dog's bite cause bodily injury. Policies start as low as \$75 per year, per dog (plus an annual membership fee to The Federation of Insured Dog Owners) making it unique by offering more coverage than other policies and at a reasonable price. Because any dog can bite and cause injury, most housing communities (apartments, condos, etc.) have provisions for how a dog is to be maintained and insured. F.I.D.O.'s value extends beyond the affordable price by covering any breeds like Pit Bulls, Rottweilers, German Shepherds and Doberman pinschers, to name a few. The policies are available throughout the USA.

For more information on F.I.D.O. please visit Federation of Insured Dog Owners.