

# Local Law Filing

New York State Department of State

41 State Street, Albany, NY, 12231

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Town of Waddington

Local Law No. 2 of the year 2010

A Local Law Dog Control Law and Dog Licensing Law

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

## SECTION 1. PURPOSE.

The Town Board of the Town of Waddington finds that the running-at-large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons and damage to property and has created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running-at-large of dogs within the Town. The purpose of this Local Law is also to govern the new licensing procedures as established under the Agriculture and Markets Act. Any item not specifically mentioned in this Local Law is to be governed by the Agriculture and Markets Act.

## SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

## SECTION 3. TITLE.

The title of this Law shall be Dog Control Law and Dog Licensing Law.

## SECTION 4. DEFINITIONS.

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

A. "Dog" means male and female, licensed and unlicensed, members of the specis canis familiaris.

B. "Owner" means a person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the Dog Warden and a reasonable search has been made. If a dog is not licensed, the term, "owner", shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this Local Law shall be held in and deemed to be the owner of the dog.

C. "Run at Large" means to be in a public place or on private land without the knowledge, consent and approval of the owner of such land.

D. "Town" means the Town of Waddington.

## 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 the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For purposes of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

No dog shall be permitted in any public place or street within the Town unless it is effectively restrained by a chain or leash not exceeding six (6) feet in length or unless it is attended to by a person of adequate age and discretion able to properly control the dog's actions.

B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose 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 reasonably cause intimidation or 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.

#### SECTION 6. CARE OF DOGS.

It shall be unlawful for any owner of a dog or dogs to fail to provide such dog or dogs with adequate food, water and shelter at all times.

#### SECTION 7. HARBORING OF DOGS.

Any firm, person, society or corporation shall, at all times, keep the area wherein the dogs are kept, possessed or harbored in a neat, clean and sanitary condition and in accordance with the regulations of the Board of Health and Public Health Laws of the State of New York, and such area shall be open to inspection by the proper Town and Health officials at all reasonable times.

#### SECTION 8. LICENSING OF DOGS.

A. All dogs over the age of four months in the Town of Waddington must be licensed with the Town Clerk and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.

B. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

C. Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$7.50 (which included the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$15.50 (which included the assessment of a \$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 without the necessity of passing a Local Law. Said fees shall include dog licensing fees, enumeration fees and tag replacement fees.

D. Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

E. Purebred License:

(1) Eligibility: To be eligible for a purebred license, the applicant must own and harbor on the described premises at least one (1) purebred registered dog. All

purebred dogs must be registered by a recognized association or eligible for registration.

(2) Fees: The Town of Waddington will issue a purebred or kennel license at a fee of \$30.00 for no more than ten (10) dogs, \$60.00 for no more than twenty-five (25) dogs, and \$110.00 for more than twenty-five (25) dogs. An additional fee of \$1.00 will be added for each spayed/neutered dog and \$3.00 for each unspayed/unneutered dog harbored in a kennel.

F. Service Dogs: The Town of Waddington will not require a license for any guide dog, service dog, hearing dog, detection dog, war dog, working dog, police dog or therapy dog.

G. The Town of Waddington does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Waddington, where the shelter is located for the purchase of the license for adoption purposes.

H. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.

I. All fees will be used in funding the administration of the Dog Control Law of the Town of Waddington.

J. Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this Law or the laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such service; Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

## SECTION 9. PROCEDURE FOR SEIZURE OF DOGS.

A. The Dog Control Officer or any peace officer shall seize:

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

(2) Any dog not wearing a tag which is not on the owner's premises; and

(3) Any dog found in violation of Section 5, 6 or 7 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law, and see that the Order of the Town Justice of the Town of Waddington in such case is carried out.

B. The Dog Control Officer or peace officer observing a violation of this Law in his/her presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a petty offense and not a Misdemeanor. Said Dog Control Officer or peace officer shall forthwith file the appropriate document entitled an "Information" with the Court to substantiate the appearance ticket.

C. Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Dog Control Officer of the Town of Waddington, 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 this Local Law.

#### SECTION 10. PENALTIES.

Any person convicted of a violation of this Local Law shall be liable for a civil penalty not to exceed \$100.00 for a first violation; a civil penalty not to exceed \$200.00 for a second violation, and a civil penalty not to exceed \$500.00 for each subsequent violation.

#### SECTION 11. SEPARABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions herein. Should any provision be deemed to be declared invalid, all other provisions of this Local Law shall remain valid and enforceable.

#### SECTION 12. REPEALER.

This Local Law shall supercede all prior Local Laws, ordinances, rules and regulations relative to the control of dogs within the Town of Waddington, and they shall be, upon the effectiveness of this Local Law, null and void.

#### SECTION 13. EFFECTIVE DATE.

This Local Law shall become effective upon the date it is filed with the New York State Secretary of State or January 1, 2011, whichever date is later.