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Town of Windham

Local Law No 1 of the year 2010

A Local Law Regulating the Licensing of Dogs

Be it enacted by the Town Board of the

Town of Windham as follows:

ARTICLE I SHORT TITLE AND PURPOSE

Section 101 - Short Title

For brevity and ease of communication, the Town of Windham Dog Licensing Law. may be cited as this Law.

Section 102 - General Purpose

The general purpose of this Law is the following:

To govern the licensing of all dogs residing within the Town.

Section 103 Specific Purposes

The specific purposes of this Law are the following:

- (1) To provide the operating framework for the licensing by the Town Clerk of all dogs residing within the Town.

ARTICLE 2

DEFINITIONS

Section 201 - Defined Terms

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context; the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this Law, shall is mandatory; may is permissive.

Dog - means male and female, licensed and unlicensed, member of the species canis familiaris.

Detection Dog - means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband

Guide Dog - means 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 New York State during the period such dog is being trained or bred for such purpose.

Hearing Dog - means 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 New York State during the period such dog is being trained or bred for such purpose.

Identification Tag - a tag issued by the Town Clerk or its designee which sets forth the identification number together with the name of the Town and State of New York, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk or its designee.

Owner - means any person who harbors or keeps any dog.

Owner of Record - means the person whose name any dog was last licensed pursuant to this Law, 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 whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of Article 7 of the New York State Agriculture & Markets Law, 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.

Police Work Dog - means 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.

Resident - means an individual who maintains a residence within the Town of Windham

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 lands.

Service Dog - means 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 - means 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, 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.

Town - means the Town of Windham.

War Dog - means any dog which has been honorably discharged from the United States armed services.

Working Search Dog - means any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the NYS Department of Agriculture & Markets; provided, however, that such services provided by said dog shall be performed without charge or fee.

ARTICLE 3

LICENSING

Section 301 - License Required

An owner of a dog four (4) months of age or over in the Town shall obtain a current license for said dog and shall place and keep on such dog a collar to which shall be securely attached a valid identification tag for that dog in accordance with the requirements of the Agriculture and Markets Law of the State of New York, including subsequent amendments, changes and successor laws and this Law.

Section 302 - Rabies Vaccination Required

A. REQUIREMENTS

(1) An owner of a dog four (4) months of age or over in the Town in accordance with the requirements of the Agriculture and Markets Law of the State of New York, shall be required to have the dog vaccinated to prevent the spread of rabies.

(2) Section 302 (1) shall not apply to dogs brought into the Town for a period not to exceed fifteen (15) days; dogs confined to the premises of an incorporated society, devoted to the care of lost, stray or homeless animals; dogs confined to the premises of public or private hospitals devoted to the treatment of sick animals; dogs confined to the premises of educational or research institutions for the purpose of research; or: dogs confined to the premises of a person licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act engaged in the business of breeding or raising dogs for profit.

(3) Section 302 (1) shall not apply to any dog whose health would be adversely, affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Town Clerk or its designee and filed with the Town Clerk's office.

(4) An owner of a dog who willfully fails or refuses to submit said dog for vaccination within ten (10) days after a request by the dog control officer, police officer, health officer or Town Clerk shall be subject to penalties provided for in this Law.

Section 303 - Licensing Exemptions

(1) No license is required for any dog (i) under the age of four (4) months and which is not at-large, or (ii) residing in a pound or shelter maintained by or under contract by the Town, Greene County or State of New York, or a duly incorporated society: for the prevention of cruelty to animals, or a duly incorporated humane society or duly incorporated dog protective services.

(2) No license is required of a dog confined to a public or private hospital devoted solely to the treatment of sick animals, or confined for the purpose of research by any college or other educational or research institution.

Section 304 Application for a License

(A) Applications for a license or a renewal thereof shall be accompanied by a non-refundable processing fee of five dollars (\$5.00) for a spayed or neutered dog and ten dollars (\$10.00) for a dog that is not spayed or neutered. **Excepted from payment of the licensing fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.** All dog licenses may be purchased by visiting the Town Hall or a designated place in the future. The Town Clerk may designate one or more pounds or shelters that are under contract with the Town or Greene County to issue licenses in accordance with procedures established by the Town Clerk. An application for a license or renewal shall be on the form prescribed by the Town and shall provide for the following minimum information

- (1) The name, residence address and telephone number of each owner; and
- (2) The name, sex, approximate age, breed, color, markings and other identifying details of the dog; and
- (3) State whether the dog has been spayed or neutered; and
- (4) Such other information or documentation deemed necessary by the Town Clerk or its designee to effectuate the purpose of this Law.

(B) Rabies certification The application for a license or renewal shall be accompanied

by a statement certified by a licensed veterinarian showing that the dog has received the rabies vaccine; or, in lieu thereof, a statement certified by a licensed veterinarian that because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.

(C) In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the owner in the form acceptable to the Town Clerk or its designee showing that the dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate 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 a spayed or neutered Dog.

(D) NO Individual under the age of eighteen (18) years shall be deemed an owner of record and be issued a dog license.

Section 305 - Licensing Fees

All fees, will be used in funding the administration of the Dog Licensing And Control Law of the Town of Windham.

Spayed or Neutered Dog License Fee (Revenues derived from this fee shall be the sole property of the Town of Windham and may be used only for controlling Dogs and enforcing Article 7 of the NYS Agriculture & Markets Law and this Local Law)	\$5.00
Unspayed or Unneutered Dog License Fee (Revenues derived from this fee shall be the sole property of the Town of Windham and may be used only for controlling Dogs and enforcing Article 7 of the NYS Agriculture & Markets Law and this Local Law)	\$10.00
Unspayed/Un-neutered Surcharge In addition to the License fee established by Section 305 of this Law, each applicant for a dog license shall pay a surcharge of \$3.00 if the dog to be licensed is not spayed or neutered. (Surcharge is remitted to NYS Department of Agriculture & - Markets for deposit by the State Comptroller into the "population control fund")	\$3.00
Spayed/Neutered Surcharge In addition to the License Fee established by Section 305 of this Law, each applicant for a dog license shall pay a surcharge of \$1.00 if the "dog sought to be licensed is spayed or neutered." (Surcharge is remitted to NYS Department of Agriculture & Markets for deposit by the State Comptroller into the "population control fund")	\$1.00
Replacement of Lost Tag	\$5.00

Enumeration Fee - In addition to the **License Fee** \$1.00 imposed by Section 305 of this Law, each applicant for a dog license shall pay a **surcharge** of \$1.00 which shall be retained by the Town of Windham and used to defray the cost of an enumeration of dogs living within the Town of Windham and/or any costs associated with administering this law.

Section 306 - Issuance of License and Identification Tag

(A) Upon validation by the Town Clerk or its designee, a dog license shall be issued to the Owner and a record of its issuance retained in the office of the Town Clerk. Such records shall be made available to the Commissioner of the NYS Department of Agriculture and Markets pursuant to New York State Agriculture and Markets Law.

(B) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

(C) 1. The Town Clerk or its designee shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an Identification Tag which shall be affixed to the collar of the dog at all times, except that the tag is not required to be worn while the dog is participating in a dog show.

2. No tag carrying an identification number shall be affixed to the collar of any other dog other than the one to which the number has been assigned

3. Any person wishing to replace a tag previously issued shall pay the sum of five dollars (\$5.00) to the Town Clerk or its designee for a replacement tag.

Section 307 - Term of License and Renewals

All licenses shall be issued for a period of one year. All licenses issued pursuant to this Law, and any renewal thereof, shall expire on the last day of the month of the period for which they are issued, except that no license or renewal shall be issued for a period expiring after the expiration date of the current rabies certificate for the dog being licensed and/or the expiration date of the certified statement by a licensed veterinarian, in lieu of a rabies certificate. The Town Clerk may require an updated rabies certificate and/or updated statement certified by a licensed veterinarian with an expiration date after the termination of the license prior to renewing or issuing a license.

Section 308 - Change of Ownership; Lost or Stolen Dog; Death

(A) Change in owner or address - In the event of a change in ownership of any dog which has been licensed pursuant to this Law or change of address of the owner of record of any dog, the owner of record shall, within ten (10) days of the change, file with the Town Clerk or its designee a written notification of such change. Such owner of record shall be liable for any violation of this Law until such filing is made or until the dog is licensed in the name of the new Owner.

name of the new Owner.

(B) Lost or stolen dog - If any dog which has been licensed is lost or stolen, the owner of record shall, within ten (10) days of discovery of such loss or theft, file with the Town Clerk or its designee a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this Law committed after such notification has been made.

(C) Death of dog - In case of the death of a licensed dog, the owner of record shall notify the Town Clerk or its designee of the dog's death within ten (10) days from the date of death of the dog.

ARTICLE 4

VIOLATIONS/PENALTIES

Section 401 - NYS Department of Agriculture and Markets Article 7 Violations

Pursuant to New York State Agriculture and Markets Law, all money and penalties collected by the Town for violation of this Law remain the property of the Town. The money can be used for dog control purposes, funding low-cost spay/neuter programs and subsidizing humane education programs.

Section 402(a) - Seizure & Impoundment of Dogs

The Dog Control Officer or Police Officer shall seize any dog that:

- 1) is running at large and not under the immediate and full control of the owner of the dog; or
- 2) is not licensed, whether the dog is located on or off the owner's property; or
- 3) is licensed but is not in control of the dog's owner, or not on the property of the dog's owner, if there is a probable cause to believe that the dog is dangerous; or
- 4) is, in the opinion of the Dog Control Officer or Police Officer, posing an immediate threat to the public safety.

Section 402(b) - 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 are as follows:

First Offense - The same impoundment and euthanasia (if applicable) fees per dog that are charged to the Town for such service. The municipality must impose a minimum of \$20.00 for the first impoundment, \$30.00 for the second and \$40.00 for the third and each subsequent impoundment. The municipality must also charge an additional \$3.00 for each 24 hour period for the second, third and subsequent impoundments plus impoundment and euthanasia fees per dog.

Section 403 - Penalties

Any person convicted of a violation of this Law shall be liable for a civil penalty of Fifty Dollars (\$50.00) for the first violation; of Seventy-Five Dollars (\$75.00) for a second violation; and One-Hundred Dollars (\$100.00) for each subsequent violation.