

Local Law No. 3 of 1986
With Revisions

Sec. 1 Title

The title of this law shall be “The Animal Control Law of the Town of Westerlo.”

Sec. 2 Purpose

The town board of the Town of Westerlo enacts this local law for the purpose of protecting the health, safety and wellbeing of persons and property by restraining the uncontrolled behavior of license and unlicensed dogs, for the purpose of providing for the care and disposition of abandoned, lost, strayed, homeless or unwanted animals and for the purpose of establishing fees for the issuance of dog licenses.

Sec 3. Definitions

As used in this local law the following words shall have the following respective meanings:

- (a) Owner means a person entitled to claim lawful custody and possession of a dog or who at any time owns or has custody of or control of or harbors a dog or who is otherwise responsible for a dog, including a person who is the head of a household within which a dog is harbored or kept and claimed to be owned by a minor or any other person residing therein.
- (b) Running at large means being unrestrained in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

Sec. 4 Restrictions

It shall be unlawful for any owner of any dog in the Town of Westerlo to permit or allow such dog to:

- (a) Run at large unless accompanied by and under the control of its owner or a responsible person;
- (b) Engage in habitual loud howling or barking or to conduct itself in such manner as to habitually disturb the comfort or repose of any person other than the owner of such dog;
- (c) Uproot, dig or otherwise damage lawns, vegetables, flowers, garden beds or other property without the consent or approval of the owner thereof.

- (d) Chase, jump on 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 or injury;
- (e) Habitually chase or bark at motor vehicles;
- (f) If a female dog when in heat be off the owner's premises unrestrained by a leash.

For the purpose of this local law a dog hunting in company with a hunter or hunters shall be considered as accompanied by its owner provided, however, that no such owner shall permit or allow such dog to attack, chase, harass, molest, worry, injure or kill deer, cattle, horses, poultry or other livestock.

Sec. 5 Adoption

Any dog impounded and made available for adoption under the provisions of sec. 118 of the Agriculture and Markets Law, and any other animal seized under the provisions of sec. 9 of this local law and not redeemed in accordance with the provisions for the redemption of dogs under sec. 118 of the Agriculture and Markets Law, may be released from custody for adoption upon payment to the town clerk of a fee of fifteen dollars (\$15.00). The revenues from such adoption fees shall be used only for administering and enforcing this local law and for the controlling of dogs and enforcing the provisions of Article 7 of the New York State Agriculture and Markets Law.

Sec. 6 Licensing of Dogs

Section 6, subtitled *License fees* shall be omitted from the Animal Control Law. The new Section 6 shall be titled "*Licensing of Dogs*" and shall read as follows:

- a. All dogs in the Town of Westerlo, except those certified as a guide dog, service dog, hearing dog or detection dog, must be licensed with the Town Clerk by the age of 4 (four) months. A current original Certificate of Rabies for the subject dog, along with the appropriate fee, as set forth in subsection (c) herein, must be presented to the Town Clerk at the time of licensing or the renewal of an existing license. In the case of the adoption of a dog from a shelter, where said dog shall be harbored in the Town of Westerlo, the Town of Westerlo shall not accept licensing by the shelter as satisfaction of the provisions of this law, and the prospective dog owners shall be required to license the dog in conformance with the provisions herein.
- b. All dog licenses shall be valid for a period of one year from the date of issuance, and shall expire on the last day of the 12th (twelfth) month after issuance.

- c. Fees: The fee for a spayed or neutered dog shall be \$5.00 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control). The fee for an unspayed or un-neutered dog shall be \$13.00 (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control). Said fees shall be collected by the Town Clerk at the time of licensing. 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 shall be set forth separately, at the beginning of every fiscal year, pursuant to the Town's contract with the shelter of its choice. The Town Board shall periodically review the fees set forth herein as well as those set forth in the shelter contract, and may increase or decrease the same by a resolution thereof. All fees not attributable to the carrying out of animal population control shall be retained by the Town of Westerlo and shall be used in funding the administration of this law.

Sec. 7 Enforcement

This local law shall be enforced by a dog warden, town constable, state police, sheriff/deputy or other police officer of the Town of Westerlo and such officers shall have all of the powers conferred upon dog wardens by Article 7 of the Agriculture and Markets Law of the State of New York. A dog warden or police officer observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation. Any person who observes a dog in violation of this local law may file a complaint under oath with the violation, the date thereof, a description of the dog, and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this local law.

Sec. 8 Penalties

Any person convicted of a violation of this local law shall be deemed to have committed a violation and shall be subject to a fine not exceeding two hundred and fifty dollars (\$250.00), or imprisonment for a period not exceeding fifteen (15) days. The penalties herein provided shall be in addition to those prescribed in sec. 119 of the Agriculture and Markets Law.

Sec. 9 Other animals.

Upon request or instruction from a police officer, the dog warden may seize any animal found abandoned or not properly cared for or lost, strayed, homeless or unwanted and cause the same to be examined by a licensed veterinary surgeon and destroyed pursuant to the provisions of sec. 374 of the Agriculture and Markets Law, or treated if such animal is found upon such examination to be not so maimed, diseased, disabled or infirm as to be unfit for any useful purpose; provided, however, that the Town of Westerlo shall not be liable for any fees or expenses incurred in connection with any

repair or treatment of such animal by such veterinary surgeon unless such repair or treatment shall be approved and authorized by the chief fiscal officer of the Town of Westerlo.