

Local Law No. 3 of 2007

Local Law to impose a local license fee and redemption fee for dogs

SECTION I. SHORT TITLE

This law shall be cited as Local Law No. 3 or as the "License and Redemption Fee Law".

SECTION II. LEGISLATIVE FINDINGS

In 1986, the Town of Westerlo adopted Local Law No. 3 of 1986, "The Animal Control Law of the Town of Westerlo". The town board enacted the law for the purpose of protecting the health, safety and wellbeing of persons and property in the Town of Westerlo by restraining the uncontrolled behavior of licensed 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. The Town of Westerlo employs one or more persons to act as animal control officers. The animal control officers have the powers afforded to them pursuant to Article 7, Section 114 of the Agriculture and Markets Law, as well as under Local Law No. 3 of 1986.

With the growing population of licensed and unlicensed dogs in the Town of Westerlo, as well as the Town's contractual arrangement with outside entities for the housing of seized dogs, for which the Town must pay a fee, it has become necessary for the Town of Westerlo to impose a local licensing fee, in addition to the fees set forth in Section 110 of the Agriculture and Markets Law, to offset the costs associated with seizing dogs in violation of Local Law No. 3 of 1986. Further, while the Town of Westerlo is administratively unable to charge a redemption fee for dogs that are redeemed at the facility used by the Town, the Town is able to charge a redemption fee when an unlicensed dog is redeemed from said facility. The Town of Westerlo has determined that it is necessary to charge a redemption fee for said dogs to offset the costs incurred by the animal control officer in seizing, controlling and transporting the dog to the facility. As a result, the Town Board does hereby find that a local licensing fee shall be imposed on all dogs licensed in the Town of Westerlo, and a redemption fee shall be imposed for unlicensed dogs redeemed from a facility after seizure by the Town of Westerlo Animal

Control Officer, or by local law enforcement seizing said dog pursuant to the provisions of Local Law No. 3 of 1986.

SECTION III. LOCAL LICENSE FEE

1. Pursuant to the powers provided to municipalities under Article 7, Section 110(4) of the Agriculture and Markets Law, the Town of Westerlo hereby sets the following local licensing fees:

- a. in the case of dogs licensed pursuant to Article 7, §§109(1) and 110(1) of the Agriculture and Markets Law, to wit: dogs four months of age or older, except for dogs licensed as purebred, the additional local license fee shall be \$2.50:
- b. in the case of purebred dogs licensed pursuant to Article 7, §§109(2) and 110(2) of the Agriculture and Markets Law, the additional local license fee shall be \$5.00.

2. The additional license fee imposed by this section shall be used by the Town of Westerlo for controlling dogs, and for enforcing Article 7 of the Agriculture and Markets Law and Local Law No. 3 of 1986.

SECTION IV. REDEMPTION FEES

1. Pursuant to the powers provided to municipalities under Article 7, Section 118(4) of the Agriculture and Markets Law, and in conjunction with the redemption periods set forth therein, which are wholly adopted by the Town Board of the Town of Westerlo, the Town of Westerlo sets the following redemption fees:

- a. ten dollars (\$10) for the first impoundment of any dog owned by that person;
- b. twenty dollars (\$20) for the first twenty-four hours or part thereof and three dollars for each additional twenty four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
- c. thirty dollars (\$30) for the first twenty-four hours or part thereof and three dollars each additional twenty-four hours or part thereof for the third and

subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

2. The redemption fees collected pursuant to this section shall be used by the Town of Westerlo for controlling dogs and enforcing the provisions of Article 7 of the Agriculture and Markets Law and Local Law No. 3 of 1986.

SECTION V. VALIDITY

The invalidity of a word, section, clause, paragraph, sentence, or part of provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

SECTION VI. EFFECTIVE DATE

This law shall take effect immediately, as provided by the law, upon filing with the Secretary of State.