

LOCAL LAW

Town of Alfred

Local Law No. 2 for the year 2010

A Local Law Entitled Dog Control Law for the Town of Alfred

Be it enacted by the Town Board of the Town of Alfred, Allegany County, New York, as follows:

SECTION 1: Purpose: The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attack and damage within the Town. In Addition, the Town Board finds that the Town is required to provide a dog control officer and shelter services, pursuant to the Agriculture and Markets Law of the State of New York. The additional purpose of this Local Law is to set the fees for licensing of dogs.

SECTION 2: Authority: This Local Law is enacted pursuant to the provisions of the New York State Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York and this local law shall be deemed automatically amended to conform to Article 7 of said Agriculture and Markets Law as such statute may be amended from time to time.

SECTION 3: Title: The title of the Local Law shall be Dog Control Law for the Town of Alfred.

SECTION 4: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

- (a) **Agriculture and Markets Law** shall mean the Agriculture and Markets Law of the State of New York in effect, as of the effective date of this Local Law, and as amended thereafter.
- (b) **Clerk** means the Clerk of the Town of Alfred.
- (c) **Confined** shall mean that such animal is securely confined or restrained and kept on the owner's premise, either within a building, or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or animal on any adjacent premises or on any public street or way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape there from.
- (d) **Dog** shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

- (e) **Dog Control Officer** shall mean any person authorized by the Town Board to enforce the provisions of the Local Law or the provisions of the Agriculture and Markets Law. A person may also be authorized by the Town Board as Assistant Dog Control Officer.
- (f) **Guide Dog** means any dog that is trained to aid the blind or other handicapped person and is actually used for that purpose, or any dog owned by a recognized guide dog center located within the State of New York.
- (g) **Harbor/In Possession of** shall mean to provide food, shelter and/or taking care of any dog.
- (h) **Owner** shall mean the person entitled to claim lawful custody and possession of a dog and 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 control office 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 filing any complaint charging a violation of the Local Law, shall be held and deemed to be the owner of any dog found to be in violation of the Local Law. In the event any dog found to be in violation of this Local Law shall be owned by a minor, under the age of eighteen (18) years of age, the head of household in which such minor resides shall be deemed to have custody and control of such dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (i) **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 law enforcement purposes.
- (j) **Regular License** means a Town of Alfred Dog License Form which provides for the licensing and identification of dogs.
- (k) **Run at Large and Be at Large** shall mean to be in public place; or upon private land without the knowledge, consent and approval of the owner or occupant of such lands.
- (l) **Town** shall mean the area within the limits of the Town of Alfred, including the Village of Alfred, Allegany County, New York.
- (m) **War Dog** means any dog which has been honorably discharged from the United States Armed Service.
- (n) **Fees** shall mean dog license fees pursuant to this local law.

SECTION 5: Restrictions: It shall be unlawful for any owner of any dog in the Town of Alfred to permit or allow such dog to:

- (a) Chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (b) No person who owns a dog shall permit the premises, structures, or enclosures in which such dog is kept to be unclean or unsanitary.
- (c) Engage in loud howling, barking, crying or whining, or conduct itself in such manner as to unreasonably disturb the comfort or repose of any person other than the owner of such dog.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 of this Local Law shall be presumptive evidence against the owner or harbinger of such dog that he or she has failed to properly control his or her dog, and has permitted or allowed such act to occur.

SECTION 6: Licensing of Dogs:

- (a) All dogs in the Town of Alfred must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies vaccination at the time of licensing or the renewal of the existing license. Also, if a dog is spayed or neutered a Certificate of Spayed or Neutered must accompany the application.
- (b) All dog licenses will be for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue.

SECTION 7: License Fees

- (a) The Town of Alfred hereby establishes the license fee for dog licenses issued pursuant to the Local Law at \$7.00 for spayed or neutered dogs which includes the New York State mandated surcharge of \$1.00 for each spayed or neutered dog. The license fee for dog unspayed or unneutered will be \$14.00 which includes the New York State mandated surcharge of \$3.00 for each unspayed or unneutered dog.
- (b) The Town Board of the Town of Alfred will govern all license fees and penalties by resolution.
- (c) 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 of the enumeration is conducted.
- (d) The Town of Alfred will not require a licensing fee to be paid for any Guide dog, police dog or war dog, upon presentation to the Clerk of proper documentation, endorsement or certification. A license must still be applied for, only the licensing fee is waived.

SECTION 8: Enforcement: This local law shall be enforced by the Dog Control Officer, any Peace Officer or Police Officer having jurisdiction in the Town of Alfred, or jurisdiction pursuant to the Agriculture and Markets Law.

SECTION 9: Seizure of Dogs The Dog Control Officer, Assistant Dog Control Officer, or any Peace Officer, Police Officer, or by any person having jurisdiction in the Town of Alfred or having jurisdiction under the Agriculture and Markets Law shall seize any dog in violation of paragraphs (a) through (c) of Section 5 of this Local Law.

SECTION 10: Redemption of Seized Dogs and Redemption Fees:

- (a) Every dog seized in accordance with Section 9 shall be properly fed and cared for at the expense of the Town of Alfred until disposition thereof is made as herein provided. The redemption of a seized dog shall be in conformance with and pursuant to the provisions of the Agriculture and Markets Law and this Local Law both as to licensed and unlicensed dogs.
- (b) In the event the dog bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and immediately notify such owner personally, or an adult member of the family, if at all practicable. If the owner is unable to be contacted personally, written notice will be sent by certified mail, stating that said dog had been seized and that the dog will be destroyed unless redeemed within the period hereinafter provided.
- (c) If notification is given to owner personally, the dog will be held for five (5) days. If notice is given by certified mail, the dog will be held for a period of twelve (12) days from the date of the mailing.
- (d) The owner of a dog seized may redeem the dog, within the time period stated above, by paying the Town Clerk of the Town of Alfred the redemption fee of \$20.00 for the first 24 hours of the first impoundments and \$5.00 for each additional 24 hour period.
- (e) If the owner fails to claim the dog by the expiration of the redemption period, the dog shall be made available for adoption or disposed of. If the dog is not redeemed within the above time periods and the dog is adopted or disposed of, the owner shall still be liable and must pay the redemption fees, including the day of disposition.
- (f) The Dog Control Officer is hereby authorized to dispose of any dog seized after the date of redemption has expired
- (g) No action shall be maintained against the Town of Alfred and designated Dog Control Officer or any other authorized agent of the Town of Alfred, to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law.

SECTION 11: Enforcement:

- (a) The Dog Control Office may elect either to prosecute the violation criminally under the Penal Law or to commence an action to recover a civil penalty.
- (b) A conviction for a violation of this Local Law prosecuted criminally under the Penal Law shall be a Violation and not a Misdemeanor punishable by a fine of not more than \$50.00 for the first offense: and where the defendant was found to have committed two or more violations of the Local Law within the preceding five (5) years, it shall be punishable by a fine of not more than \$250.00 or imprisonment for not more than 15 days, or both such fine and imprisonment.
- (c) A violation of this Local Law prosecuted by civil action shall subject the defendant to a civil penalty of not more than \$50.00 and where the defendant was found to have committed two or more violations of this Local Law within the preceding five (5) years, the civil penalty shall not be more than \$250.00.

SECTION 12: Severability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 13: Revocation of Prior Local Laws and Ordinances: All Local Laws and Ordinances of the Town of Alfred which have previously been adopted which deal with the same subjects, topics or prohibited conduct by the owners of dogs are hereby repealed effective as provided in Section 14 below.

SECTION 14: Effective Date: This Local Law shall take effect on January 1, 2011, after filing with the New York State Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 2 Of 2010 of the Town of Alfred was duly passed by the Town Board on the _____ day of _____ 2010, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original Local Law, and was finally adopted in the manner indicated in the paragraph above.

(SEAL)

Janice L. Burdick Town Clerk
Town of Alfred
Dated: _____

STATE OF NEW YORK}

ss.:

COUNTY OF ALLEGANY}

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceeding have been had or taken for the enactment of the Local Law annexed hereto.

Keith A. Slep, Esq.
Town Attorney
Town of Alfred
Dated: _____