

**DOG LICENSING AND CONTROL LAW
FOR THE TOWN OF WINFIELD
Local Law 1-2011**

**BE IT RESOLVED AND ORDAINED by the Town Board of the Town of Winfield,
Herkimer County New York:**

SECTION 1: PURPOSE, INTENT & AUTHORITY

The purpose of this local law/ordinance 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. This Local Law is enacted pursuant to the provisions of (Chapter 59: Part T of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

SECTION 2: DEFINITIONS

Dog: includes any dog of either sex and of any age unless otherwise indicated herein.

Dog Control Officer: means any person employed to assist in the enforcement of the Dog Licensing and Control Law.

Owner: includes any person owning, harboring or keeping a dog within the limits of the Town of Winfield and/or parent, guardian or other adult person with whom a minor dog owner resides. Any person harboring a dog three (3) days prior to any violations of this law shall be deemed the owner of said dog.

Running at Large: shall mean any dog, licensed or unlicensed, while roaming or running off the property of its owner or custodian and not under constraint.

Restraint: A dog is under restraint if it is

- 1.) Controlled by a leash not to exceed ten (10) feet in length;
- 2.) On or within a vehicle being driven or parked on a street or roadway;
- 3.) Within the property limits of its owner; or,
- 4.) Upon the premises of another with the consent of such other person.

SECTION 3: DOG WARDEN APPOINTMENT, DISPOSITION OF CHARGES

- a.) The Town Board of the Town of Winfield shall appoint a Dog Control Officer (s) as needed pursuant to the appropriate statutes of the State of New York. It shall be the duty of such Dog Control Officer (s) (DCO) as well as any and all other peace officers within the Town of Winfield to enforce the appropriate provisions of this law as well as of the Agriculture and Markets Law of the State of New York with respect to dogs within the Town of Winfield. All complaints concerning alleged violations of this law shall be communicated to the Dog Control Officer.
- b.) All such complaints shall be investigated and it shall be the duty of the Dog Control Officer to enforce all provisions of this law and, where appropriate, proceed with the civil or criminal enforcement of this law.
- c.) The Town Board of the Town of Winfield is hereby authorized in conjunction with the employment of a Dog Control Officer to utilize a pound operated by the Dog Control Officer and/or contract with any incorporated society for the prevention of the cruelty to animals for the seizure and impounding of all unlicensed or untagged dogs not restrained by a leash while off the owner's premises whether or not tagged or licensed in violation of this law and for the maintenance of a pound for such dogs and for the lost and strayed or homeless dogs and for the destruction and dispositions of seized dogs and redeemed as provided in the Agriculture and Markets Law of the State of New York.
- d.) Any and all fees under this law received by the Town Clerk or the Dog Control Officer shall be paid unto the Town and shall be used for the expense of executing and enforcing this Local Law including the return of certain required fees to the State of New York for licensing of said dog.

SECTION 4. LICENSING

- a. Every person owning or harboring a dog within the Town of Winfield shall make application to the Town Clerk (pursuant to Section 109 of the Agriculture and Markets Law) for a license and shall pay the prescribed license fee as set forth below. (pursuant to new Section 110 of said law.)
- b. All dogs in the Town of Winfield must be licensed with the Town Clerk by the age of six (6) months. A current Certificate of Rabies must be presented at the time of licensing or the renewal of an existing license. No license shall be transferable. Upon the transfer of ownership the new owner shall immediately make application for a license for such dog.
- c. All dog licenses will be valid for a period of one year and will expire at the end of the month one year from the date of issue. The purchase of multi-year licenses is strictly prohibited.
- d. Fees for Licensing of Spayed/Neutered Dogs: The fee for a spayed or neutered dog shall be set by the Town Board by resolution. It shall include a state assessment pursuant to Section 110-3 of the New York State Agriculture and Markets law, and additional funds for enumeration as provided for by Section 110-4 of the Agriculture and Markets Law or any other fees required pursuant to New York State Law or Herkimer County.
- e. Fees for Licensing of Unspayed/Unneutered Dogs: The fee for an unspayed or unneutered dog shall be set by the Town Board by resolution. It shall include a state assessment pursuant to section 110-3 of the New York State Agriculture and Markets Law and additional funds for enumeration as provided for by Section 110-4 of the Agriculture and Markets Law or any other fees required pursuant to New York State Law or Herkimer County.
- f. Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee set by the Town Board by resolution as provided for by Section 110-4 of the Agriculture and Markets law shall be assessed to the owners of all dogs found unlicensed or not renewed at the time enumeration is conducted.
- g. Purebred Licenses: The Town of Winfield will not be issuing purebred or kennel licenses. All dogs will be licensed individually as per the fee system stated above.
- h. Service Dogs: The Town of Winfield requires licenses for all dogs living or harbored within the Town; however, the Town fee for licensure of all types of services dogs listed in section 110-2 of the Agriculture and Markets Law, including, but not limited to, guide dogs, service dogs, hearing dogs, and detection dogs, is waived.
- i. The Town of Winfield does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of Winfield in which the dog will be harbored for licensing.
- j. All dog licenses may be purchased by visiting the Town Clerk's office or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refunds of fees.
- k. All fees not otherwise payable to a State, County or other municipal governmental entity will be used in funding the administration of the Dog Control Law of the Town of Winfield.
- l. Any dog harbored within the Town of Winfield which is owned by a resident of New York State, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

SECTION 5: REGULATING AND RESTRICTIONS

- a.) No person owning, keeping, harboring or having the care, custody or control of any dog shall permit such dog to be at large in the Town of Winfield, Herkimer County, New York, unless under leash not exceeding ten (10) feet in length, other than when, on the premises of a party other than the owner who engages in the act of owning, keeping, harboring or having custody and/or control of such dog or upon the premises of another with the knowledge consent and approval of such premises.

- b.) No person who owns a dog shall permit said dog to destroy or damage property of any kind nor deposit waste or commit a nuisance on the private property of any other person other than that of the owner of the dog.
- c.) No person who owns a dog shall permit the premises, structures or enclosures in which such dogs are kept to be unclean or unsanitary.
- d.) The fact that a dog is at large in the Town elsewhere than on the premises of the owner shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person having custody and control of the dog.
- e.) Barking Dogs: No person shall keep or harbor a dog which by loud, frequent or habitual barking, yelping or howling shall disturb or annoy any person other than the owner thereof.

SECTION 6: COMPLAINTS

- a.) Any dog not wearing a tag, not identified and which is not on the owner's premises may be picked up by the Dog Control Officer or any other peace officers with the Town of Winfield. Dogs in dog shows are exempt from wearing tags during shows.
- b.) Any person who observes or has knowledge of a dog causing damage to property of a person other than its owner or violating any section of this law or permitting a nuisance upon the premises of a person other than its owner, may file a signed complaint under oath with the Dog Control Office or any other peace officers within the Town of Winfield, may summon the alleged owner or other person harboring said dog to appear before a Town Justice of the Town of Winfield.

SECTION 7: REDEMPTION OF SEIZED DOGS

- a.) Every dog seized shall be properly fed and cared for at the expense of the Town of Winfield until a disposition thereof be made as herein provided. Redemption of a seized dog shall be in conformity with the provision of the Agriculture and Markets Law of the State of New York both as to licensed and unlicensed dogs.
- b.) In the event that a dog seized bears a valid New York State license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice by personally serving such owner or an adult member of his family with notice, in writing, that the dog has been seized and that the dog will be destroyed unless redeemed within the period hereinafter provided.
- c.) The owner of a valid licensed dog that has the proper collar with the license attached may redeem the dog within five days of seizure and notice to the owner. The owner of such seized dog may redeem the dog by paying a fine of \$10.00 for the first impoundment within one year (boarding fees WILL apply). If it is the second seizure of the same dog or of a different dog of the same owner within one year, the dog may be redeemed with a payment to the Town Clerk of the sum of Twenty-Five (\$25.00) Dollars as the cost of such seizure. If it is the third seizure of the same dog or of a different dog of the same owner within one (1) year, the dog may be redeemed with a payment to the Town Clerk in the sum of Fifty (\$50.00) as the cost of such seizure. There will be an additional charge of \$3.00 for each twenty-four period for the second, third and each subsequent impoundment.
- d.) In addition, the owner of any unlicensed dog shall be required to purchase a license for the dog prior to obtaining the release of the dog.

SECTION 8: PENALTIES

Any person convicted of a violation of this Local Law shall be liable for a minimum civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and One hundred dollars(\$100.00) for each subsequent violation.

SECTION 9: SEPARABILITY

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 10: REPEALER

This Local Law shall supersede all prior Local Laws, Ordinances, Resolutions, Rules and Regulations relative to the control of dogs within the Town of Winfield, and shall be upon the effective date of this Local Law, null and void.

SECTION 11: EFFECTIVE DATE

This law shall take effect January 1, 2011 after filing with the Secretary of State.