

TOWN OF WORCESTER
Otsego County, New York
DOG LICENSING AND CONTROL LAW
Local Law No. 1 of the year 2015

A LOCAL LAW FOR THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF WORCESTER:

Whereas, effective January 1, 2011, the State of New York relinquished the responsibility of dog licensing function to local municipalities; and Whereas, local municipalities are required to adopt legislation relating to this issue; and Whereas, the Town's current law relating to dogs needs to be updated in conformance with the change in the statute; now therefore, be it enacted by the Town Board, as follows:

DOG LICENSING AND CONTROL LAW

SECTION 1. TITLE

This local law shall be known and may be cited as the "Dog Licensing and Control Law of the Town of Worcester, Otsego County, New York."

SECTION 2. 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 personal property, domestic animals and deer from dog attack and damage and to preserve the public health, safety and welfare by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of citizens of the Town.

SECTION 3. AUTHORITY

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

SECTION 4. DEFINITIONS AND WORD USAGE

All words, terms or phrases used herein shall have the meanings indicated below or as defined in the Agriculture and Markets Law. If no specific definition is set forth, all words shall have their usual and customary meaning in the English language. Words used in the present tense include the future and the plural includes the singular. The word "shall" is intended to be mandatory.

ADEQUATE SHELTER – A weatherproof, four-sided, roofed structure of sufficient size to allow the dog for which it is provided to lie down, stand up, and turn around inside it, but sufficiently small to allow the dog to conserve body heat during cold weather. It shall be constructed so that no metal parts, except nail and/or screw heads and similar small parts,

shall come into contact with the dog while it is inside the structure. Each dog shall have its own individual shelter. A vehicle shall not be considered adequate shelter, except when the dog is actually being transported in that vehicle.

AT LARGE – Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for that presence has been obtained. No dog shall be deemed to be “at large” if it is: accompanied by and under the immediate supervision and control of the owner or other responsible person; a police work dog in use for police work; or accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

CLERK – The Town Clerk, or Deputy Town Clerk, of the Town of Worcester or his or her agent.

DOG – Any male and female, licensed and unlicensed, member of the species canis lupus familiaris.

DOG CONTROL OFFICER – Any individual appointed by the Town Board to enforce this local law.

HABITUAL – An activity which occurs in repeated intervals of at least five minutes with less than two minutes of interruption.

HARBOR – To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag issued by the Clerk that sets forth an identification number, as required by the provisions of this local law.

IDENTIFIED – A dog carrying an identification tag as provided in this local law.

OWNER – Any person who harbors or keeps any dog. In the event any dog found in violation of this local law shall be owned by a person under 18 years of age, the “owner” shall be deemed to be the parent or guardian of that person or the head of the household in which the person resides.

PUREBRED-A dog bred from a strain of generations of pure, unmixed ancestry.

TOWN – The Town of Worcester.

SECTION 5. DOG LICENSING REQUIREMENTS, PROCEDURES AND FEES

A. LICENSE APPLICATION

(1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective society.

(2) Initial application for a dog license shall be made to the Clerk and shall be accompanied by the appropriate license fee, as established by Town Board resolution. Renewals may be made by mail, accompanied by the renewal form and the appropriate fee. There will be no refund of fees.

(3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town of residence of the owner, and any other information as deemed necessary by the Clerk.

(4) In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that this certificate shall not be required if it is already on file with the Clerk.

(5) The application shall be accompanied by a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from that statement a record of the information and file the record with a copy of the license.

B. LICENSE FEES

Dog license fees for the various license types shall be established by Town Board resolution: (see Town of Worcester "Fee Schedule for Dog Licensing and Control")

(1) In addition to the license fee established by Town Board resolution, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay an additional fee as established by Town Board resolution. That additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, those excess fees may be used by the Town for any other lawful purpose.

(2) Upon submission of proper documentation, there shall be no fee charged for the license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog, as defined in § 108 of Article 7 of the New York State Agriculture and Markets Law. However, an identification tag will be issued for those dogs.

(3) The Town will issue purebred licenses. To be eligible for that license, all dogs must be purebred and registered by a recognized association. The application for a purebred license must state the name, address and telephone number of the owner; and the sex, breed, registry name and number of each purebred dog over the age of four months. The applicant must own and harbor the listed dogs on premises in the Town.

C. Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.

D. The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.

E. Each license issued or renewed shall be valid for a period of one year and shall expire on the last day of the last month of the period for which it is issued. Renewal shall be for a period of one year. The clerk shall send a renewal notification to each owner annually, 30 days prior to the expiration of the dog license.

F. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for that dog. The original issued identification tag shall remain the same for the life of the dog.

G. The Town will not allow the licensing of dogs by a shelter. No dog may be adopted out of the Town's designated animal shelter without first obtaining a license from the Clerk.

H. Any dog harbored within the Town of Worcester that is owned by a non-resident of the town or licensed by another jurisdiction shall for a period of 30 days be exempt from the licensing and identification provisions of this local law.

SECTION 6. IDENTIFICATION OF DOGS

A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent municipal identification number. That identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.

B. The identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense. Replacement tag fees are set forth by Town Board resolution.

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

E. The identification tag shall be imprinted with the words "Town of Worcester, New York", a unique identification number, and the telephone number of the Clerk's office.

SECTION 7. CHANGE OF OWNERSHIP, LOST OR STOLEN DOGS

A. In the event of a change in ownership of any dog that has been assigned an identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.

B. If any dog that has been assigned a municipal identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.

C. In the case of a dog's death, the owner of record shall so notify the Clerk, either prior to renewal of license or upon the time of that renewal.

SECTION 8. SEIZURE AND IMPOUNDMENT

A. The Dog Control Officer shall seize:

(1) Any dog which is not licensed, whether on or off the owner's premises.

(2) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous.

(3) Any dog which poses an immediate threat to the public safety.

(4) Any dog in violation of paragraphs 9(A) through 9(F) of this local law.

B. The Dog Control Officer, when acting pursuant to his or her special duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. That record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of such dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.

C. Each dog seized in accordance with the provisions of this local law shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

D. Each dog which is not identified, whether or not licensed, shall be held for a period of five days after the day seized during which period the dog may be redeemed by its owner,

provided that the owner produces proof that the dog is currently licensed and further that the owner has paid the appropriate impoundment fees, as established by Town Board resolution and periodically reviewed and changed when deemed necessary. (See Town of Worcester "Fee Schedule for Dog Licensing and Control")

If, at the end of the appropriate redemption period, the dog has not been redeemed by its owner, the owner shall forfeit all title to the dog and it shall be available for adoption; or euthanized pursuant to the provisions of § 118 of the Agriculture and Markets Law; or be released to an authorized humane society or shelter.

The Dog Control officer observing a violation of this local Law in his presence shall issue and serve an appearance ticket for that violation. The violation shall be considered a petty offense and not a misdemeanor. Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Worcester specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. That complaint may serve as a basis for enforcing the provisions of this local law.

SECTION 9. PROHIBITED ACTIVITIES BY DOGS

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

- A. Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the local law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb any person other than the owner of that dog.
- C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner of that property.
- D. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put that person in reasonable apprehension of bodily harm.
- E. Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of that property.
- F. Create a nuisance by defecating, urinating or digging on public property or on private property without the consent or approval of the owner of that property.
- G. Any person who is the owner, keeper, harbinger, person in charge of or person walking a dog within the Town of Worcester shall immediately pick up any feces expelled by such dog on any property, the owner of which has not given permission therefor, and deposit

them in a container lawfully used for the disposal of refuse. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary or disposed of on any private property or public roadway or sidewalk.

H. It shall be a violation for any owner to confine, restrain, or otherwise leave any dog unattended outdoors without adequate shelter or to allow any other person to do so.

I. It shall be unlawful for any person to interfere with, hinder, molest or abuse any Dog Control Officer, Health Officer or other official in the performance of their duties under this local law.

SECTION 10. PENALTIES FOR VIOLATIONS

The disposition of fines for violation of this local law shall be as prescribed in Section 119 of the Agriculture and Market Laws of the State of New York, as it may be amended from time to time hereafter. Any fines or penalties imposed shall be the property of the Town.

Any person violating any provision of this local law or the Agriculture and Markets Law, including the failure to license a dog, the failure to have a dog properly identified or to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs, shall be subject to a fine, which shall not be less than \$25, except that:

- A. Where the person was found to have once previously violated this local law, the fine shall not be less than \$75;
- B. Where the person was found to have committed two or more previous violations of this local law, the fine shall not be less than \$100 or imprisonment for not more than 15 days or both; and
- C. In the initial instance that a person is found out of compliance with paragraph 9(H) of this local law, that person shall receive a warning and shall not be charged with a violation.

SECTION 11. SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, that judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which that judgment shall have been rendered.

SECTION 12. REPEALER

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the licensing and control of dogs within the Town of Worcester, and they shall be upon the effective date of this Local Law, null and void.

SECTION 13. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State of the State of New York.