

Chapter 44

DOGS AND OTHER ANIMALS

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[History: Adopted by the Town Board of the Town of Windsor: Article I, 10-7-87. Article II, Adopted 6-1-92, L.L. No.3-1992. Article I, Amended 12-31-94, L.L. No. 2-1994, Amended 4-2-97, LL No. 1-1997, Article II, amended 12-6-00 LL No. 6-2000]

ARTICLE I
Local Dog License Fees

§ 44-1. Establishment of local fee.[Amended 4-2-97, LL No.1-1997]

In addition to any fees mandated by the State of New York for the licensing of dogs, the owners and harborers of any dog in the Town of Windsor, subject to licensing by the State of New York, shall be liable for the payment of ten dollars (\$10.00) per dog as a local dog-licensing fee, which shall be added to the required state licensing fee.

§ 44-2. Local purebred license fees.

The local dog-license fee for a purebred license shall be twenty-five dollars. (\$25.00), which shall be added to the required state licensing fee.

§ 44-3. Payment.

The local dog-licensing fee shall be included in the purchase price of each dog license and is due and payable at the same time that the regular dog-license fee is paid.

§ 44-4. Effective date.

These local dog-licensing fees shall become effective for any dogs licensed after December 31, 1994.

§ 44-5. Repealed 12-31-94.

ARTICLE II

Dog Control Law of the Town of Windsor

§ 44-6. Purpose.

The Town Board of the Town of Windsor finds that the running at large and other uncontrolled behavior of licensed dogs has caused physical harm and mental disturbance to persons, damage to property and created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

§ 44-7. Authority.

This local law is enacted pursuant to the provisions of § 124 of Article 7 of the Agriculture and Markets Law of the State of New York.

§ 44-8. Title.

The title of this law shall be, "Dog Control Law of the Town of Windsor".

§ 44-9. Definition of Terms.[Amended 4-2-97, LL No.1-1997]

As used in this local law, the following words shall have the meanings herein indicated:

Agriculture and Markets Law: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this local law, as amended by this local law, and as amended thereafter.

Confined: That such animal is securely confined or restrained and kept on the owner's premises, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire, or other effective tether of such length and arranged that the animal cannot reach or endanger any person on any adjacent premises or on any public street, 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 therefrom.

Dog: Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

Dog Control Officer: Any person authorized by the Broome County Legislature or the Town Board from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law.

Owner: The person(s), firm, association or corporation who has purchased a license for the dog unless the dog is or has been lost, such loss having been reported to the Town of Windsor and/or Broome County Dog Control Officer and a reasonable search for the dog has been made by the dog's owner. If a dog is not licensed, term owner shall designate and cover any person(s), 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 or other entity harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event any dog found to be in violation of this chapter shall be owned by a minor, the head of the household in which said minor resides shall be deemed to be the owner of said dog and shall be responsible for any acts of said dog, or violations of this chapter.

Recreational Area: Recreational area shall mean all real property owned by the Town which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.

Run at large: Run at large shall mean unconfined in a public place without the knowledge, consent, or approval of the owner, or lessee in residence, if any, of such lands.

School Premises: Any real property situated within the Town which is used for educational purposes or purposes incidental thereto.

Town: The Town of Windsor, a municipal subdivision of the County of Broome, State of New York.

Harbor: To provide food and shelter to any dog.

§ 44-10. Restrictions.

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

A. Run at large unless the dog is accompanied by its owner or a responsible person, either of which must be able to control it by command or unless it is restrained by an adequate leash.

B. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.

D. 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.

E. Habitually chase, run alongside of or bark at motor vehicles while on a public street or highway or upon public or private lands not belonging to the owner of such dog.

F. Create a nuisance by defecating, urinating or digging on public property or private property not belonging to the owner of such dog.

G. If a female dog, be off the owner's premises when in heat.

H. Be at large on any school premises or recreational area, or the sidewalks adjacent thereto, unless said dog is on a leash.

Establishment of the fact(s) that a dog has committed any of the acts prohibited by § 44-10 of this local law shall be presumptive evidence against the owner of such dog that he has failed to properly confine, leash or control his dog.

§ 44-11. Enforcement.

This local law shall be enforced by any peace officer when acting pursuant to his special duties or any dog control officer or police officer.

§ 44-12. Seizure, Impoundment, Redemption and Adoption.[Amended 4-2-97, LL No.1-1997]

A. Any dog found in violation of the provisions of §44-1, §44-2 or §44-10, of this local law may be seized pursuant to the provisions of §118 of the New York State, Agriculture and Markets Law or other applicable provisions thereof.

B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in §118 of the New York State Agriculture and Markets Law.

C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of §118, Article 7 of the New York State Agriculture and Markets Law and by paying the impoundment fees set forth in §118, Article 7 of said law.

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in §44-12, subdivision (c) of this section whether or not such owner choose to redeem his/her dog.

E. Any dog unredeemed at the expiration of the appropriate redemption period, shall be made available for adoption or euthanized pursuant to the provisions of f the New York State

F. No action shall be maintained against the Town, when acting pursuant to his special duties, any police officer, dog control officer, or any other agent or officer of the Town, or person under contract to the Town, to recover the possession of value of any dog, or for damages or injury to or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law or the New York State, Agriculture and Markets Law.

G. Any dog seized by the Dog Control Officer shall continue to be impounded and be held by said Dog Control Officer, or in such place as may be from time to time designated by the Town Board, for the following prescribed time periods:(Amended 12-6-00, LL #6-2000)

- (1) Dogs which are unlicensed and unidentified in, three(3) days.
- (2) Dogs which are licensed or identified in, seven(7) days from the date of mailing of a notice of seizure to the owner, at the address of the licensee as per said license, or if unlicensed and if the address of the owner is known to the Dog Control Officer, then to such address. No dog shall be considered identified unless the Dog Control Officer knows the name and address of the owner.

§ 44-13. Appearance Ticket.

Any dog control officer, peace officer, or police officer when acting pursuant to his special duties, in the employ of, or under contract with the Town, observing a violation of this local law in his presence may issue and serve an appearance ticket for such violation.

§ 44-14. Complaint.

A. Any person who observes a dog in violation of this local law may file a complaint under oath with a Town Justice 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 the dog.

B. Upon receipt by the Town Justice of any such complaint he shall summon the alleged owner to appear in person before him for a hearing, at which time the owner shall have a right to be represented by counsel, at the expense of the owner and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he may order:

- (1) The dog to be declared a vicious or dangerous dog to be restrained by collar and leash at all times whether on or off the owner's property.
- (2) The dog to be confined to the premises of the owner.
- (3) Such other remedy as may be warranted by the circumstances in such case.

C. A violation of any order issued by a Town Justice under the provisions of this §44-14 shall be an offense punishable upon conviction thereof, as provided in §44-15 of this local law.

§ 44-15. Penalties.

Upon conviction, a violation of this local law shall be deemed an offense punishable by a fine of not less than twenty-five dollars, (\$25.00) nor more than \$50.00 for a first offense, within three (3) years and a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for any succeeding offense within three (3) years of a prior conviction for violation of this local law.

§ 44-16. 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.

§ 44-17. Effective date.

The provisions of this local law shall take effect upon its filing with the Secretary of State.