

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Westerlo
Town
~~Village~~
Local Law No. 3 of the year 19 88

A local law which shall be "The Animal Control Law of the Town of Westerlo"
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Westerlo as follows:
Town
~~Village~~

- Section 1. Title
- Section 2. Purpose
- Section 3. Definitions
- Section 4. Restrictions
- Section 5. Adoption
- Section 6. License fees
- Section 7. Enforcement
- Section 8. Penalties
- Section 9. Other animals

Sec. 1. Title.

The title of this law shall be "The Animal Control Law of the Town of Westerlo."

Sec. 2. Purpose.

The town board of the Town of Westerlo enacts this local law for the purpose of protecting the health, safety and wellbeing of persons and property by restraining the uncontrolled behavior of license 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.

Sec. 3. Definitions.

As used in this local law the following words shall have the following respective meanings:

- (a) **Owner** means a person entitled to claim lawful custody and possession of a dog or who at any time owns or has custody of or control of or harbors a dog or who is otherwise responsible for a dog, including a person who is the head of a household within which a dog is harbored or kept and claimed to be owned by a minor or any other person residing therein.
- (b) **Running at large** means being unrestrained in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

Sec. 4. Restrictions.

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

- (a) Run at large unless accompanied by and under the control of its owner or a responsible person;
- (b) Engage in habitual loud howling or barking or to conduct itself in such manner as to habitually disturb the comfort or repose of any person other than the owner of such dog;
- (c) Uproot, dig or otherwise damage lawns, vegetables, flowers, garden beds or other property without the consent or approval of the owner thereof.
- (d) Chase, jump on or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury;
- (e) Habitually chase or bark at motor vehicles;
- (f) If a female dog when in heat be off the owner's premises unrestrained by a leash.

For the purpose of this local law a dog hunting in company with a hunter or hunters shall be considered as accompanied by its owner provided, however, that no such owner shall permit or allow such dog to attack, chase, harass, molest, worry, injure or kill deer, cattle, horses, poultry or other livestock.

Sec. 5. Adoption.

Any dog impounded and made available for adoption under the provisions of §118 of the Agriculture and Markets Law, and any other animal seized under the provisions of §9 of this local law and not redeemed in accordance with the provisions for the redemption of dogs under §118 of the Agriculture and Markets Law, may be released from custody for adoption upon payment to the town clerk of a fee of fifteen dollars (\$15.00). The revenues from such adoption fees shall be used only for administering and enforcing this local law and for the controlling of dogs and enforcing the provisions of Article 7 of the New York State Agriculture and Markets Law.

Sec. 6. License fees.

The annual fee for each dog license issued pursuant to Article 7 of the Agriculture and Markets Law of the State of New York shall be two dollars and fifty cents (\$2.50) for each spayed or neutered dog and seven dollars and fifty cents (\$7.50) for each unspayed or unneutered dog.

Sec. 7. Enforcement.

This local law shall be enforced by a dog control officer, town constable, state police, sheriff/deputy or other police officer of the Town of Westerlo and such officers shall have all of the powers conferred upon dog control officers by Article 7 of the Agriculture and Markets Law of the State of New York. A dog control officer or police officer observing a violation of this local law in his presence shall issue and serve an appearance ticket for such violation. Any person who observes a dog in violation of this local law may file a complaint under oath with a town justice of the Town of Westerlo 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. Such complaint may serve as the basis for enforcing the provisions of this local law.

Sec. 8. Penalties.

Any person convicted of a violation of this local law shall be deemed to have committed a violation and shall be subject to a fine not exceeding two hundred and fifty dollars (\$250.00), or imprisonment for a period not exceeding fifteen (15) days. The penalties herein provided shall be in addition to those prescribed in §119 of the Agriculture and Markets Law.

Sec. 9. Other animals.

Upon request or instruction from a police officer, the dog control officer may seize any animal found abandoned or not properly cared for or lost, strayed, homeless or unwanted and cause the same to be examined by a licensed veterinary surgeon and destroyed pursuant to the provisions of §374 of the Agriculture and Markets Law, or treated if such animal is found upon such examination to be not so maimed, diseased, disabled or infirm as to be unfit for any useful purpose; provided, however, that the Town of Westerlo shall not be liable for any fees or expenses incurred in connection with any repair or treatment of such animal by such veterinary surgeon unless such repair or treatment shall be approved and authorized by the chief fiscal officer of the Town of Westerlo.