

**\*\*DOGS AND OTHER ANIMALS\*\***

**CHAPTER 44  
Dogs and other animals**

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[History: Adopted by the Town Board of the Town of Windsor on 12/1/2010,  
by LL No 10-2010;

Which repealed prior Article I, 10-7-81 (which had previously been amended 4-2-97, LL  
No 1-1997 and by 12-31-94 by LL No 2-1994);

Which repealed prior Article II (which was adopted 6-1-92 LL No 3-1992 and then amended by 12-6-00 LL 6-2000.)

### Section 1. Purpose

The purpose of this Local Law is to establish the fees 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.

### Section 2. Authority

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

### Section 3. Dog Licensing Requirement

#### A. Municipal License

All dogs within the Town of Windsor [hereinafter referred to as “the Town”] four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete, and return to the Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog’s life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferable.

### Section 4. License Fees

#### A. Annual Fee

The annual license fee for each dog license issued by the Town pursuant to subdivision one of Section 109 and Section 110 of the Agriculture and Markets Law of the State of New York, shall be \$15.00 for each spayed or neutered dog and \$25.00 for each unspayed or unneutered dog, which fee includes a surcharge of \$1.00 for altered dogs and \$3.00 for unaltered dogs for the purpose of carrying out animal population control efforts, which surcharge shall be submitted to the animal population control fund.

#### B. Purebred Licenses

The dog license fees set forth in paragraph (a) above will be increased as follows for registered purebred dogs:

Eight (8) to ten (10) dogs	\$100.00
Eleven (11) to fifteen (15) dogs	\$150.00
Sixteen (16) to twenty (20) dogs	\$200.00
Twenty-one (21) to twenty-five (25) dogs	\$250.00

Any person who wishes to license more than 25 purebred dogs shall purchase one purebred license for 25 of the dogs and all additional dogs shall be licensed separately as provided for in Section 4(A).

#### C. Late Fee

A \$5.00 late fee shall be imposed for any failure to license a dog within thirty days of the expiration of a previous license. However, the late fee shall increase to \$10.00 for any failure to license a dog after sixty days of the expiration of a previous license.

#### D. Enumeration Surcharge

In addition to the license fee imposed by Section 4 of this Local Law, there shall be a surcharge \$10.00, per unlicensed dog, which shall be retained by the Town and used to defray the cost of an enumeration of dogs living within the Town, enforcement of Article 7 of the Agriculture and Markets Law and the cost of providing replacement identification tags where a dog found to be unlicensed.

#### E. Exemptions

Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs or therapy dogs must be licensed, but shall be exempt from the requirement of paying a license fee.

### Section 5. Exemption for Dog Shows

A dog participating in a dog show shall be exempt from the identification requirements of Section 111 of the Agriculture and Market Law during such participation.

### Section 6. Shelter License

The Town authorizes Front Street Dog Shelter, or any animal shelter organization that contracts with the Town to provide animal shelter services [hereinafter referred to as “animal shelter provider”], acting by its manager to provide, accept, and grant an application for a dog license made by a resident of the Town at the time of the adoption of a dog from the animal shelter provider, provided that such application is made in accordance with Section 3(a) of this Local Law and that the license fees and any additional fees and surcharges shall be remitted to the Town Clerk of the Town on or

before the third day of the month, following the month in which the license fees and additional fees and surcharges were received.

#### Section 7. Penalties

Penalties for violation of this Article shall be as prescribed in Section 118 of the Agriculture and Market Laws of the State of New York, as the same may be amended from time to time hereafter. Any fines or penalties imposed and bail forfeitures shall be the property of the Town and used for the purposes allowed by Section 119 of the Agriculture and Markets Law, as the same may be amended from time to time hereafter.

#### Section 8. Non-Transferable.

No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

In the event of a change in the ownership of any dog which has been licensed pursuant to this article, the owner of record shall, within ten (10) days of such change, file with the Town Clerk a written report of such change. The written report shall include the new owner's name, address and telephone. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

#### Section 9. Loss or Death.

If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, file with the Town Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.

In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal as set forth by the Town Clerk.

#### Section 10. Change of Address.

When there is a change of address for the owner of record, the owner shall notify the Town Clerk of such change. If the change is still within the Town, the Town Clerk will make the appropriate updates to the dog license record. If the change is located outside the Town, the Town Clerk shall make a note in the record and cancel the license. The Town Clerk shall forward a copy of the license to the Clerk of the municipality to which the owner has moved, informing said Clerk that the dog now resides in their municipality. If the Town Clerk is notified by another municipality in Broome County that one of their licensed dogs has moved into the Town the Town Clerk will issue a Town License at no

charge for the remainder of the license year upon presentation by the owner of the old license.

#### Section 11. Renewal.

Renewing early or late, does not change the renewal month. However, owners having more than one dog may request common renewal dates for their licenses, which may be granted at the discretion of the Town Clerk, provided that all other licensing and renewal requirements are met. No licensing fees will be prorated, refunded, or waived when accommodating such a request.

### ARTICLE II

#### Dog Control Law of the Town of Windsor

#### Section 12. 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.

#### Section 13. Title

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

#### Section 14. Authority.

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

#### Section 15. Definition of terms.

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.

**Harbor:** To provide food and shelter to any dog.

**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.

#### Section 16. 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 is 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 this section 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.

#### Section 17. 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.

#### Section 18. Seizure, Impoundment, Redemption and Adoption.

A. Any dog which is one or more of the following; pursuant to provisions of §117 of the New York State, Agriculture and Markets Law or other applicable provisions thereof, may be seized:

1. Any dog which is not identified and which is not on the owner's premises;
2. Any dog which is not licensed, whether on or off the owner's premises;

3. 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; and

4. Any dog which poses an immediate threat to the public safety.

B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 117 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 section 117, Article 7 of the New York State Agriculture and Markets Law and by paying the impoundment fees set forth in section 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 this section, subdivision (c) of this section whether or not such owner chooses 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 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:

(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.

#### Section 19. 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.

#### Section 20. Complaint

A. Any person who observes a dog in violation of this local law may file a complaint under oath with the dog control officer 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 of 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 section shall be an offense punishable upon conviction thereof, as provided in Section 20 of this local law.

#### Section 21. Penalties.

A violation of this Article is hereby declared to be an offense, punishable by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for a first offense within three (3) years and a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for any succeeding offense within three (3) years of a prior conviction for a violation of this Article.

#### Section 22. Separability.

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision,

clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 23. Repealer

All ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed, including specifically Article I sections 44-1 through 44-4 of the Windsor Town Code, as amended.

Section 24. Effective Date

This local law shall take effective on January 1, 2011.