

Town of Wayland

Local Law No. 3 of the year 2010

A Local Law for the Licensing and Control of Dogs

Be it enacted by the Wayland Town Board of the Town of Wayland as follows:

Section 1. PURPOSE

The Town of Wayland, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. 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 to protect the health, safety and well-being of persons, property and animals by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

Section 2. AUTHORITY.

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

Section 3. TITLE.

The title of this local law shall be "Dog Control Local Law of the Town of Wayland.

Section 4. DEFINITIONS.

- (a) "OWNER" means 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 less than eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such persons (or the head of the household in which said person resides).
- (b) "HARBOR" means to provide food or shelter to any dog.
- (c) "AT LARGE" means 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 such presence has been obtained. No dog shall be deemed to be at large if it is: (1) accompanied by and under the immediate supervision and control of the owner or other responsible person; (2) a police work dog in use for police work; or (3) 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.

Section 5. LICENSING OF DOGS

- (a) All dogs within the Town of Wayland four (4) months of age or older, unless otherwise exempted shall be licensed annually. The owner of each dog required to be licensed shall obtain complete and return to the Wayland 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 of Wayland. 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 transferrable.

- (b) Any dog harbored within the Town of Wayland which is owned by a resident of New York City or licensed by the City of New York, 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)
- (c) 1) Except as provided in subdivision (c)(2) of this Section below the Town of Wayland hereby establishes the fee for a dog license issued pursuant to Section 5(a) of this law at Ten Dollars (\$10.00) to which amount shall be added Five Dollars (\$5.00) if the dog for which the license application is made is unsprayed or unneutered.
2) The annual fee for each purebred license issued pursuant to subdivision two of section one hundred nine of this article shall be:
 - (i) Fifty Dollars (\$50.00), if no more than ten registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the owner's premises at the time of the application and a Three Dollar (\$3.00) surcharge for each dog;
 - (ii) Seventy-five Dollars (\$75.00), if no more than twenty-five registered purebred dogs or purebred dogs eligible for registration over the age of six months are harbored on the premises at the time of application and a Three Dollar (\$3.00) surcharge for each dog.
- (d) Excepted from payment on the license fee are applications submitted for a dog license for any guide, hearing, and service, war working search, detection, police and therapy dogs.
- (e) In addition to the license fee imposed by Section 5(c) of this law, , each applicant for a dog license shall pay a surcharge of One Dollar (\$1.00) if the dog to be licensed is altered or a fee of Three Dollars (\$3.00) if the dog sought to be licensed is unaltered.
- (f) In addition to the license fee imposed by Section 5(c) of this law, each applicant for a dog license whose dog is found to be unlicensed at the time of enumeration shall pay an additional surcharge of Two Dollars (\$2.00) which shall be retained

Section 6: IDENTIFICATION OF DOGS.

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

Section 7: RESTRICTIONS.

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

- (a) be at large

- (b) engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner so as to unreasonably and habitually annoy any person;
- (c) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog.
- (d) chase or otherwise harass any person in such manner as a reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or
- (e) habitually chase, run alongside or bark at motor vehicles or bicycles.

Section 8. ENFORCEMENT.

This local law shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Wayland.

Section 9. CHANGES IN FEES, SURCHARGES AND FINES.

All fees, surcharges and fines imposed under this local law may be reviewed by the Wayland Town Board from time to time and may be changed by a resolution of the Town Board, if deemed necessary and if not otherwise consistent with the New York State Agriculture and Markets Law.

Section 10. SEIZURE, IMPOUNDMENT, REDEMPTION AND ADOPTION.

- (a) Any dog found in violation of the provisions of Section 7 of this local law may be seized pursuant to the provisions of Section 117 of the Agriculture and Markets Law.
- (b) Every dog seized shall be properly cared for, sheltered fed and watered for the redemption periods set forth in Section 117 of the Agriculture and Markets Law.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the following impoundment fees:
 - 1) For the first impoundment of any dog owned by that person, a Twenty-five Dollar (\$25.00) impoundment fee and a Twenty Dollar (\$20.00) per day boarding fee;
 - 2) For a second impoundment of any dog owned by that person, a Fifty Dollar (\$50.00) impoundment fee and a Twenty Dollar (\$20.00) per day boarding fee;
 - 3) For a third and each subsequent impoundment of any dog owned by that person, a Seventy-five Dollar (\$75.00) impoundment fee and a Twenty-Dollar (\$20.00) per day boarding fee.

Section 11. COMPLAINT.

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

Section 12. APPEARANCE TICKET.

Any dog control officer or peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contact to the Town of Wayland, having reasonable cause to believe that a person has violated this local law, shall issue and serve upon such person an appearance ticket for such violation.

Section 13. PENALTIES:

Any person convicted of a violation of this local law shall be deemed to have committed a petty offense and shall be subject to a fine of Twenty-five Dollars (\$25.00) for the first violation, Fifty Dollars (\$50.00) for the second offense and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 14: 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 15: REPEALER.

This local law, together with Article 7 of the Agriculture and Markets Law of the State of New York shall supersede all prior local laws, ordinances, rules and regulations, including Local Law Number 1 of 1980 and Local Law Number 2 of 2010, relative to the control of dogs within the Town of Wayland and the Village of Wayland, and they shall be, upon the effective date of this ordinance, null and void.

Adopted: November 8, 2010

Posted: November 30, 2014