

**“Dog Control and License Law of
The Town of Wayne”
Local Law No. 3 of the Year 2010**

A Local Law Relating to the Control, Confining, Leashing and Licensing of Dogs.

BE IT ENACTED by the Wayne Town Board of the Town of Wayne as follows:

Section 1. PURPOSE. The Town Board of Wayne finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and have 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 2. AUTHORITY: This Local Law is enacted pursuant to the provisions of Article 7, Chapter 59; Part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. TITLE: The Title of this Law shall be “Dog Control and License Law of the Town of Wayne.

Section 4. DEFINITION OF TERMS. As used in this Local Law, the following words shall have the following respective meanings:

- (a) “Dog” means male and female, licensed and unlicensed, members of the species canis familiaris.
- (b) “Owner” means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog, unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, 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 owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household of which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) “Run at Law” means to be in a public place or private land without the knowledge, consent, and approval of the owner of such lands.
- (d) “Town” means the Town of Wayne.
- (e) “DCO” means Dog Control Officer which means any person appointed by the Town of Wayne for the purpose of enforcing Article 7 and this Local Law upon adoption.

- (f) “Current Rabies Certificate” means a rabies certificate that is in effect for six (6) months or longer.

Section 5. RESTRICTIONS;

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

- 1) 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 this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- 2) Engage in a habitual and loud howling, barking, crying or whinning or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.
- 3) Cause property damage i.e. uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.
- 4) Chase, jump upon or at 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.
- 5) 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 such property.
- 6) Create a nuisance by defecating or digging on public property, or on private without the consent or approval of the owner of such property.

(B) It shall be unlawful for any owner of any dog in the Town of Wayne to:

- (1) Allow the dog to be off the owner’s premises, unrestrained by a leash.
- (2) Fail to have a current license tag on the dog.
- (3) Fail to have a current rabies vaccination for the dog pursuant to Tile 5 of the State Health Law “Rabies” Section 2141.
- (4) Fail to notify the Town Clerk of the following changes within sixty (60) days of such change: (a) If the dog and dog owner moves; (2) If the dog is deceased; or (3) If the dog is transferred to a new owner.

Section 6. LICENSING OF DOGS:

- (a) Basic Requirements. All dogs in the Town Wayne must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- (b) Anniversary Renewal. All dog licenses will be for a period of one (1) year, two (2) years or three(3) years and will expire at the end of the month one, two or three years from the date of issue.

- (c) License Fees. Fees for licensing of dogs will be as follows: (1) The fee for a spayed or neutered dog will be \$5.00 (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control and (2) the fee for an unspayed or unneutered dog will be \$13.00, which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Identification Tag. (1) The first identification tag will be issued for the dog upon licensing and will say “Town of Wayne” the identification number of the dog, and the Town Clerk’s telephone number. (2) A replacement identification tag will be issued at a fee of \$5.00.
- (e) Enumeration Fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.
- (f) Purebred Licenses. The Town of Wayne will not be issuing Purebred or Kennel licenses. All dogs will be licensed individually as per the system stated above.
- (g) Service Dogs. The Town of Wayne will not require a license for any guide dog, service dog, hearing dog or detection dog.
- (h) Licensing by a Shelter. The Town of Wayne will not allow the licensing of dogs by a shelter. The Shelter MUST send the adoptive dog owners to the Town Clerk of the Town of Wayne for the purchase of the license for adoption purposes.
- (i) Licensing in Person or By Mail. All dog license may be purchased in person at the Town Clerk’s Office or by regular mail to the Town Clerk’s Office, PO Box 182, Wayne, New York 14840. If licensing or renewing a license by mail, the appropriate fee must accompany the form. There will be NO refunds of fees.
- (j) Fees for Administration of dog Control & Licensing. All fees will be used in funding the administration of the Dog Control and Licensing Law of the Town of Wayne.
- (k) Fee for Return of Dog. Upon return of a dog to its owner by the DCO before taking it to the Town Shelter, the owner may be able to redeem the dog by paying to the Town of Wayne the sum of (\$10.00) Ten Dollars.

Section 7. PEOCEDURE FOR SEIZURE OF DOGS:

(a) The DOC or any peace officer shall seize: (1) Any unlicensed dog whether on or off the owner’s premises; (2) Any dog not wearing a tag, and after December 31, 2010, not identified, and which is not on the owner’s premises; and (3) Any dog found in violation of any of the of the paragraphs of Section 5 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of the Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Wayne in such case is carried out (“Order to Seize” and / or “Dangerous Dog”)

Section 8: PENALTIES: Any person convicted of a violation of this Local Law shall be liable for a civil penalty of \$40.00 Forty Dollars for a first violation; of \$ 25.00 Twenty Five Dollars for each subsequent violation.

Section 9: SEPARABILITY: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed to be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10: REPEALER: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Wayne, and they shall be upon the effectiveness of this Local Law, null and void.

Section 12. EFFECTIVE DATE: This Local Law shall be effective January 1, 2011, after filing with the Secretary of State.