

Chapter 114. ANIMALS

Part 1. Dogs

Article I. Dog Licensing

§ 114-1. Title.

This article shall be known as the "Town of Newstead Dog Licensing Law."

§ 114-2. Licensing of dogs.

- A. All dogs in the Town of Newstead must be licensed with the Town Clerk by the age of four months and a current certificate of rabies is required to be presented at the time of licensing or the renewal of an existing license.
- B. All dog licenses for unspayed or unneutered dogs will be paid for a period of one year and will expire at the end of the month one year from the date of issue. Dog licenses for spayed or neutered dogs may be purchased for a one-year, two-year or three-year period and will expire at the end of the month one year, two years or three years from the date of issuance as the case may be. Any multi-year license issued must run concurrent with the rabies vaccination period. Dog licenses are not transferrable and no refunds will be given on any multi-year license issued.
- C. Fees for licensing of dogs.
 - (1) The fee for a spayed or neutered dog for a one-year period will be \$10 (which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out animal population control), for a two-year period will be \$18 (which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out animal population control), and for a three-year period will be \$25 (which fee includes the assessment of a surcharge of \$1 for the purpose of carrying out animal population control).
 - (2) The fee for an unspayed or unneutered dog will be \$20 (which includes the assessment of a surcharge of \$3 for the purpose of carrying out animal population control).
 - (3) In the event that an individual owning a dog moves into the Town of Newstead and such dog was properly licensed at such owner's former residence from within New York State, that owner must obtain a new license for such dog at the Town Clerk's office within 30 days of moving into the Town of Newstead. The owner must provide proof that the dog was properly vaccinated for rabies but there shall be no additional fee for such license provided that such license is only issued for the remaining balance of the term of the license properly issued by the entity responsible for licensing such dog at the former residence within New York State.
 - (4) The fees established by this provision are subject to review by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
 - (5) The fees for licensing of dogs shall be double the fee set forth above or on the fee schedule established by the Town pursuant to this section if the owner fails to renew the dog license upon the expiration thereof and continues such failure for a period of three months following the expiration of the prior dog license.

[Added 3-26-2012 by L.L. No. 1-2012]

D. Grace period.

- (1) Any dog harbored within the Town of Newstead which is owned by a resident of another municipality in New York State and licensed by such municipality, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the provisions of this section.
- (2) Any dog harbored within the Town of Newstead by a duly incorporated 501(c)(3) dog rescue corporation that has filed proof of such organizational status with the Town Clerk's Office shall for a period of 30 days be exempt from the provisions of this article requiring licensing of dogs.

E. Enumeration fee: The Town Board has determined that there is a continual need for dog enumeration and a fee of \$10 will be assessed to all dogs found unlicensed within the Town of Newstead at any time. If the same or any other dog owned by the same owner is found to be unlicensed for a second time within a five-year period, a fee of \$20 will be assessed, and if the same or any other dog owned by the same owner is found to be unlicensed for a third time within such five-year period, a fee of \$40 will be assessed. If the same or any other dog owned by the same owner is found to be unlicensed more than three times within a five-year period, each time the enumeration fee shall double the last fee assessed but shall not exceed \$250.

F. Purebred license: The Town of Newstead will be issuing purebred licenses. A purebred license licensing up to 10 purebred dogs may be purchased for a flat fee of \$25 per year, plus a surcharge of \$3 for each unspayed and unneutered dog and a surcharge of \$1 for each spayed and neutered dog, and a purebred license licensing up to 25 purebred may be purchased for a flat fee of \$50 per year plus a surcharge of \$3 for each unspayed and unneutered dog and a surcharge of \$1 for each spayed and neutered dog. No more than 25 dogs over six months of age shall be permitted on any premises. Holders of purebred licenses shall be subject to the same requirements as other owners with respect to obtaining a multi-dog permit or a special permit to operate a kennel if they have more than four dogs over six months of age on the premises as required under the Zoning Law of the Town of Newstead. *(Editor's Note: See Ch. 450, Zoning)* A purebred license may only be issued if all dogs on the premises have papers certifying them as purebreds. Holders of a purebred license may have different kinds of purebred dogs on the premises but non-purebred dogs are not permitted with a purebred license. All breeders must adhere to the New York State standards and requirements set forth in NYS Agriculture & Markets Law Article 26A for breeders.

G. Service dogs: The Town of Newstead will require a license for every guide dog, service dog, hearing dog, therapy dog and detection dog; however, the fee for this license shall be waived. A current certificate of rabies shall be required at the time of licensing or the renewal of an existing license.

H. The Town of Newstead does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing or to the Town Clerk of the Town of Newstead, where the shelter is located for the purchase of the license for adoption purposes.

I. Maximum number of dogs allowed. The Town of Newstead does not allow any household to harbor more than four (4) dogs over the age of six months of age on any parcel of land within the Town of Newstead unless either a multi-dog permit or a special permit for a kennel is obtained. No more than 25 dogs over the age of six months shall be permitted on any parcel of land or contiguous parcels of land owned or controlled by the same persons or entities within the Town of Newstead.

- (1) Multi-dog permits. An owner of property that would like to have more than four dogs over six months of age harbored on his premises to be housed predominantly within the residence of such owner must obtain a multi-dog permit. The Town Clerk shall issue such multi-dog permit only upon recommendation by the Dog Control Officer following inspection of the premises. The Dog Control Officer shall inspect the premises and shall apply the following criteria in recommended the issuance of the multi-dog permit, which multi-dog permit shall specify the number of dogs permitted:
 - (a) Capacity of the owners to provide sufficient food and water for the dogs.
 - (b) Capacity of the owners to limit barking by the dogs.
 - (c) Sufficient housing for the dogs.
 - (d) Capacity of the owners to maintain the dogs in a clean manner.
 - (e) Capacity of the owners to provide necessary veterinary care for the dogs.
 - (f) Capacity of the owners to provide housing which does not subject the dogs to extreme temperatures.
 - (g) The Dog Control Officer shall have the right to periodically inspect the premises that have been issued a multi-dog permit, at least once a year, to insure that the owner maintains the standards required for the issuance of the multi-dog permit.
 - (2) Kennels. Owners who would like to have more than four dogs over the age of six months of age harbored on the property where such dogs are not to be housed primarily in the residence of the owner must obtain a special permit for operation of a kennel and shall be subject to the provisions of the Zoning Law governing kennels.
- J. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be no refund of fees for any license.
- K. All fees will be used in funding the administration of the Dogs Law of the Town of Newstead.
- L. This annual dog license fee shall be charged for all licenses becoming effective on or after the effective date of this article. (*Editor's Note: This article provided an effective date of 1-1-2011.*)
- M. Rescue Operations & Fostering Homes: All rescue operations operating within the Town of Newstead must register at no cost with the Town Clerk's office whether they are a 501(c)(3) operation or an independent rescuer/rescue operation. All rescue dogs being fostered within the Town of Newstead must have their fostering location reported to the Dog Control Officer upon arrival and departure from the fostering home. All rescue/foster dogs in the Town of Newstead must be licensed after 30 days if not adopted out. All rescue dogs coming in from out of state must have the proper required health certificates showing their state of origin and a contact phone number for the shelter they came from, which must be provided to the Dog Control Officer via the Town Clerk's office if they are to be housed in a foster home in the Town of Newstead. All fostered dogs 4 months of age and older must have a valid rabies vaccine certificate. No foster home can house more than the maximum Town allowed number of 4 dogs per property, which includes any of their own personal dogs. These rules apply to all 501 (c)(3) rescue operations and/or independent rescuers/rescue operations.
- N. Breeders: All breeder operations within the Town of Newstead must operate within the standards and requirements as set forth in New York State Agriculture & Markets Law Article 26A, Care of Animals by Pet Breeders. No current operations are grandfathered under this section. Any breeder found in violation of the standards set by New York State Agriculture & Markets Article 26A will be issued a court summons and subject to any and all applicable fines and fees.

§ 114-3. Title.

This article shall be known as the "Town of Newstead Dog Control Law."

§ 114-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AT LARGE

Any dog that is 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 a guide dog actually leading a blind person, a police work dog in use for police work, or a dog accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or posted land with the permission of the owner of the land or leashed as prescribed by § 114-5B.

HARBORER

The person who provides sustenance and shelter for any dog whether or not such person shall be the owner.

OWNER

The person who is recorded in the Town Clerk's office as the applicant for the license for a dog, if such animal shall be licensed, or the person who provides sustenance and shelter for such animal.

§ 114-5. Restrictions.

- A. The Town adopts in full the New York State Agriculture & Markets Law Article 7, Section 123 regarding Dangerous Dogs in full, with the following exception: That any unprovoked bite by a dog is subject to fines on the first bite as outlined in the Town Fee Schedule and if a second bite occurs, the penalty and fees will be written as a Class A Misdemeanor.
- B. No owner or harborer owning, keeping, harboring or having the care, custody or control of any dog or dogs shall allow or permit any such dog or dogs to be off the premises of such person, firm or corporation (at large) and in the Town of Newstead unless restrained by a chain or leash not exceeding 15 feet in length. Whenever any dog is found off the premises of the person, firm or corporation owning, keeping, harboring or having the care, custody or control of such dog not controlled or restrained as above provided, it shall be presumed that such person, firm or corporation permitted or allowed such dog or dogs to be off the premises in violation of this section.
- C. No owner or harborer shall keep or allow to be kept on premises owned or controlled by him or it any dog which, by its incessant barking, howling, whining or other noise, shall unreasonably disturb the peace and quiet of any person. The terms "incessant barking, howling, whining or other noise" shall mean doing so for a continuous period of more than 20 minutes.
- D. No person shall deliberately, carelessly or negligently provoke a dog into barking, thereby disturbing the peace and quiet of a neighborhood by annoying the residents thereof.

- E. No owner or harbinger shall own, keep, harbor or have the care, custody or control of any dog not licensed as required by this Chapter 114-2.
- F. No owner or harbinger of a dog shall permit or allow such dog to cause damage or destruction to property or to urinate or defecate or to commit any other nuisance upon the premises of a person other than his own.
- G. No owner or harbinger of a dog shall allow such dog to habitually chase motor vehicles or bicycles or other conveyance, including pedestrians and joggers.
- H. No owner or harbinger shall be allowed to have more than four dogs six months or older to be kept or harbored on a premises unless a special use permit for a kennel or multi-dog permit has been issued for such premises as required under the Zoning Law of the Town of Newstead. Notwithstanding anything to the contrary contained in this Subsection H, if at the time of the effective date of this article, *(Editor's Note: This article provided an effective date of 1-1-2011)* an owner or harbinger has more than four dogs over six months of age residing on the premises. The dogs then residing there shall be permitted to reside there for as long as they live but cannot be replaced without the owner or harbinger first obtaining a special permit to operate a kennel if their replacement would result in there being more than four dogs over six months of age residing on the premises.
- I. No owner or harbinger shall fail to file an application for a rescue operation/fostering home as required in Section 114-2(M).

§ 114-6. Interference with enforcement officials.

No person shall hinder, resist or oppose any properly designated official or representative of the town in the performance of his duties under this article.

§ 114-7. Duties of Dog Control Officer; impoundment.

- A. It shall be the duty of the Dog Control Officer or any other town agent or employee designated by the Town Board hereafter to seize or take control of any dog found running at large or unrestrained contrary to the provisions of § 114-4, any dog found to be unlicensed, any dog which is not in the control of the dog's owner or harbinger, or not on the property of the dog's owner or harbinger, if there is probable cause to believe that the dog is dangerous and any dog that in the opinion of the Dog Control Officer, police officer or peace officer poses an immediate threat to the public safety and to impound said dog in a suitable place at the owner's expense.
- B. In the use of any weapon or device for dog control, including but not limited to, netting, trapping, snaring, tranquilization or firearm use (by a licensed official), the Dog Control Officer shall employ the most humane method possible under the circumstances.
- C. The Dog Control Officer, seizing and impounding any dog, shall make a complete registry, entering therein the breed, color, sex and any distinguishing marks of such dog and whether licensed. If licensed, he shall enter the license number and the name and address of the owner.

§ 114-8. Effect of ownership by minor.

In the event that the owner shall be a minor under the age of 16 years, then the head of the household in which such minor resided shall be deemed to have the care, custody and control of said dog and shall be responsible for any acts in violation of this article.

§ 114-9. Enforcement; right of entry.

- A. This Article shall be enforced by the Dog Control Officer and any other town agent or employee designated by the Town Board hereafter. The Dog Control Officer shall have all the powers of a peace officer in enforcing the provisions of this article and the provisions of Agriculture and Markets Law.
- B. The Dog Control Officer and any other town agent or employee designated by the Town Board hereafter are authorized to sign and issue any complaint, information, affidavit or notice in connection with the prosecution of any violation of this article.
- C. The Dog Control Officer and any other town agent or employee designated by the Town Board hereafter are authorized to enter upon any lands upon which a dog is kept or harbored upon receipt of a complaint or upon prior notice to the owner and to require the display by the person owning or having charge or control of such dog of the license tag for such dog. If a license tag for such dog is not displayed to the Dog Control Officer, the Dog Control Officer shall have the right to seize such dog and impound such dog at a suitable place.
- D. If an issued summons is disregarded by the person receiving it, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

§ 114-10. Penalties for offenses.

- A. Any person, harborer, firm or corporation violating any provision of this Chapter 114 shall be guilty of a violation and shall be subject to penalties as set forth hereafter.
- B. Any person, harborer, firm or corporation taking part in or assisting in any violation of this Chapter 114 shall be also be subject to the penalties herein.
- C. Each day that a violation of this Chapter 114 is committed or is permitted to exist shall constitute a separate offense.
- D. Any violation of Section 114-5A. shall result in fines and penalties under the Town Law, not Agriculture & Markets Law.
- E. Penalties shall be as follows:
 - (1) For the first violation by any person, owner or harborer within a three-year period, such person, owner or harborer shall be subject to a fine of not less than \$35 and not more than \$100.
 - (2) For a second violation by any person, owner or harborer within a three-year period, such owner or harborer shall be subject to a fine of not less than \$60 and not more than \$150.
 - (3) For a third violation by any person, owner or harborer within a three-year period, such person, owner or harborer shall be subject to a fine of not less than \$100 and not more than \$200 and/or imprisonment for a period not exceeding 15 days.
- F. Any person taking part or assisting in any violation of this chapter shall also be subject to the penalties herein.
- G. If a dog seized under the provisions of this article is not redeemed within three days as allowed under Section 117(8) of the Agriculture and Markets Law, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA, given for adoption, or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets, and pay any established fines. Anyone that picks up an at-large dog in the Town of Newstead must notify the Dog Control Officer of Newstead (or his assistant) and surrender the dog upon request, before removing the

dog from the town, subject to fine. Adoption fees, which are set in the fee schedule of the Town of Newstead, (*Editor's Note: Said fee schedule is on file in the Town office*) include veterinarian bill, license fees, and maintenance fees of the dog. There shall be a fee for the euthanasia and disposal of a dog, which shall be in an amount equal to the cost incurred by the Dog Control Officer in providing this service.

§ 114-11. Liability of Town officials.

No officer, agent or employee of the Town of Newstead shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the Town of Newstead as the result of any act required or permitted in the discharge of his duties under this article shall be defended by the Town Attorney until the final determination of the proceedings thereon.