

**TOWN OF WESTPORT
LOCAL LAW NO. 2 OF THE YEAR 2010
“DOG CONTROL LAW OF THE TOWN OF WESTPORT AND REVOKING IN ITS
ENTIRETY THE FOLLOWING LOCAL LAW: (1) LOCAL LAW NO. 3 FOR 1998”**

SECTION 1. PURPOSE

The Town of Westport New York 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 created nuisances within the Town. The purpose of the Local Law is to protect the health, safety and well being of persons and property 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 Section 124 of Article 7 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 Local Law shall be “Dog Control Local Law, of the Town of Westport.

SECTION 4. DEFINITIONS 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. The party purchasing the license unless the dog is or has been lost and such loss reported to the dog warden and reasonable search has been made. If an animal has not been 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 animal 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 the filing of any complaint charging a violation of this local law, shall be held and deemed to be the owner of any such dog for the purpose of this local law. In the event the owner of any dog is found to be in violation of this chapter is a minor, under eighteen years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog and violation of this local law.
- (c) Harbor means to provide food or shelter to any dog.

- (d) 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: (a) accompanied by an under the immediate supervision and control of the owner or other responsible person; (b) a police work dog in use for police work; or (c) 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. This does not apply to seeing-eye dogs during such time as dogs are performing the functions for which they are trained.
- (e) Town means the area within the Town of Westport, which includes the old village of Westport and the Hamlet of Wadhams.
- (f) Recreational Area means any real property owned by the Town of Westport which is used for recreational purposes by the public including, but not limited to parks or playgrounds.
- (g) School Premises means any real property situate within the Town of Westport which is used for educational purposes or purposes incidental thereto.
- (h) Animal Control Officer means any person authorized by the Town Board of the Town of Westport from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law of the State of New York.

SECTION 5. RESTRICTIONS

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

- (a) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Cause damage or destruction to property, uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.
- (c) Chase or harass any person in such a manner as reasonable to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
- (d) Habitually chase or run along side motor vehicles, bicycles or motorcycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.

- (e) Deposit waste or commit a nuisance of the private property of a person, corporation or other entity other than that of the owner of the dog, save instances where the same is done with the consent of the owner of said property; or
- (f) Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto.
- (g) Remain unlicensed subsequent to the dog attaining the age of six months.
- (h) Attack, injure or kill any domestic animal dog or cat of another person when such animal is any place it may lawfully be.
- (i) 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.
- (j) If any dog has bitten a person at any time, the owner thereof or person harboring or having custody of the same shall keep such dog properly muzzled at all times thereafter.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 of this Local Law shall be presumptive evidence against the owner or harborer of such dog that he has failed to properly confine or control his dog.

SECTION 6. FEES SEIZURE IMPOUNDMENT REDEMPTION & ADOPTION

- (a) The animal control officer or any peace officer may seize (1) any unlicensed dog whether on or off the owner's premises, (2) any dog not wearing a tag, and after January 1, 2011, not identified, and which is not on the owner's premises and (3) any dog found in violation of Paragraph (a) of Section 5 of the Local Law.
- (b) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law. Impoundment fees are \$25.00 for 1st offense, \$35.00 for 2nd offense, and \$50.00 for the 3rd offense.
- (c) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provision of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.
- (d) Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- (e) No action shall be maintained against the Town of Westport, any Animal Control Officer or Peace Officer when acting pursuant to his special duties, or any other

agent or officer of the Town or persons under contract to said Town of Westport, to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law or the Agriculture and Markets Law.

- (f) The seizure of any dog or its redemption shall not relieve any person from any violation of this law or penalty described herein.
- (g) The Animal Control Officer or Peace Officer 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 7. COMPLAINT

- (a) 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 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.
- (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 both the complainant and owner shall have an opportunity to be represented by counsel 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 off 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 the Town Justice under the provisions of this Section 7 shall be an offense punishable, upon conviction thereof, as provided in Section 10 of this Local Law.

SECTION 8. APPEARANCE TICKET

Any Animal Control Officer and or Peace Officer when acting pursuant to this special duties, or Police Officer in the employ of or under contract to the Town of Westport, having reasonable cause to believe that a person has violated this Local Law or observing a violation of this Local Law in his presence shall issue and serve upon such person an appearance ticket for such violation. The exception would be a dog at large that has not violated Section 5, item (B) and (C).

SECTION 9. 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 fifty dollars (\$250.00) or imprisonment for a period not exceeding fifteen (15) days.

SECTION 10. LICENSING REQUIREMENTS

(a) All dogs six months of age or older which are harbored in the Town of Westport shall be licensed on an annual basis by the owner and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license. The annual fee for obtaining the license shall be as follows:

1. \$5.00 for each spayed or neutered dog.
2. \$12.00 for each unspayed or unneutered dog.

(b) All dog licenses will be issued for a period of one year beginning on the first day of June through May 31st of the following year..

(c) Renewal notices will be mailed annually the first of May.

(c) 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.

(d) Purebred License – The Town of Westport will not be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(e) Service Dogs - The Town of Westport will require a license for guide dogs, service dogs, hearing dogs & detection but at NO fees.

ISSUANCE OF LICENSES

In addition to the issuance of licenses by the Town Clerk the Town of Westport authorizes the Westport Animal Shelter acting by its manager to provide, accept and grant an application for a dog license made by a resident of Westport at the time of the adoption of a dog from the Westport Animal Shelter provided that such application is made in accordance with Section 10 of this law and the license fee, any additional fee and surcharge shall be remitted to the Town Clerk of Westport, New York on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

SECTION 11. 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 12. REPEALER

This Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Westport and they shall be upon the effective date of this Local Law, null and void shall revoke in its entirety the following local laws: Local Law No. 3 for 1998.

SECTION 13. EFFECTIVE DATE

This Local Law shall take effect immediately upon the filing of the same in the office of the Secretary of State of the State of New York.