

**TOWN OF ASHFORD
LOCAL LAW NO. 1 OF THE YEAR 2023
DOG LICENSING AND CONTROL LAW**

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

**ARTICLE I
INTRODUCTION AND DEFINITIONS**

SECTION 1.1 TITLE:

The title of this Law shall be: Dog Licensing, Control and Dog Boarding Law of the Town of Ashford, Cattaraugus County.

SECTION 1.2 AUTHORITY:

This Local Law in part is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law. Citations shall be for reference purposes.

SECTION 1.3 AREA AND PERSONS AND ANIMALS AFFECTED:

This local law shall apply to all areas within the municipal boundaries of the Town of Ashford, and to all persons who own or possess dogs and apply also to dogs within the Town of Ashford.

SECTION 1.4 PURPOSE AND INTENT:

The Town Board of the Town of Ashford, Cattaraugus County, hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs and the boarding of dogs.

SECTION 1.5 DEFINITIONS:

All terms not specifically defined herein shall have the meaning assigned to such terms within Section 108 of the Agriculture and Markets Law of the State of New York. As used in this Local Law, the following terms shall have the meanings indicated:

- A) **Agriculture and Markets Law** - The Agriculture and Market Law of the State of New York in effect as of the effective date of this Local Law, and as amended hereafter.
- B) **Dog** - Dog shall mean male and female members of the species *Canis Familiaris*, including hybrids.
- C) **Identification Tag** - A tag issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk and any other information deemed necessary by the Town Clerk.
- D) **Owner** - Owner means any person who harbors, keeps, possesses or has title to any dog.

- E) **Owner of Record** - Means the person in whose name a dog was last Licensed pursuant to this Local Law.
- F) **Person** - A person, partnership, corporation, association, LLC, or otherwise organized group of persons, business entity, municipality or other legal entity.
- G) **Resident** - A person who maintains a residence within the Town of Ashford, County of Cattaraugus, State of New York.
- H) **Run at Large** - Means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.
- I) **Town** - Means the Town of Ashford, County of Cattaraugus, State of New York.

ARTICLE II LICENSING

SECTION 2.1 LICENSING OF DOGS:

- A) No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and the laws of the Town.
- B) All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four (4) months and which is not at large.
- C) The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town 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.
- D) Licenses shall be issued by the Town Clerk during the Town Clerk's regular business hours.
- E) The Town Clerk shall keep a copy of each dog license issued, and shall provide the Department of Agriculture and Markets with a copy of the license issued, upon said Department's request.
- F) **Proof of Vaccination Against Rabies** - 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.
- G) **Purebred licenses** - The Town of Ashford may issue a purebred license. The only difference between this and a regular license is to identify the dog's breed and an additional fee shall be charged, which is defined below.

SECTION 2.2 ANIMAL SHELTERS AND POUNDS - NO LICENSES MAY BE ISSUED:

The Town does not allow the licensing of dogs by a shelter. A shelter **MUST** send an adoptive dog owner to the Town Clerk of the Town where the dog will be harbored for licensing, or to the Town Clerk of the Town where the shelter is located for the purchase of the license for adoption purposes.

SECTIONS 2.3 EXEMPTIONS FROM LICENSING:

The following dogs are exempt from licensing:

- A) Any dog harbored within the Town of Ashford 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) days be exempt from the licensing and identification provisions of this local law.
- B) Dogs in animal hospitals and individuals or corporations licensed as a Class A Dealer under the Federal Laboratory Animal Welfare Act are exempt from licensing pursuant to this local law.
- C) Exempt are dogs of any age which are held at a shelter pursuant to a contract or agreement with the Town of Ashford or held by a duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association.
- D) **Visitors:** Visitors to the Town of Ashford who bring their dog or dogs into the Town and reside within the Town for more than one week may be required to either:
 - 1) Provide satisfactory proof (i.e. license, dog tag) that their dog is licensed in another jurisdiction; or
 - 2) Provide satisfactory proof that their dog is exempt from licensure; or
 - 3) Provide proof of vaccination against rabies.

The visitors' exemption provided in this subparagraph shall expire at the end of thirty (30) days from the time the dog is brought into the Town of Ashford and the dog shall then be licensed pursuant to the provisions of this local law.

SECTION 2.4 TERM OF LICENSE AND RENEWALS:

- A) Each license issued pursuant to this local law, shall be valid for a period of one (1) year and shall expire on the last day of the last month of the period for which it was issued. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

SECTION 2.5 FEES:

A) Individual Dog License Fee:

- 1) For a spayed or neutered dog \$ 7.50
- 2) For an unspayed or unneutered dog \$ 13.50

B) State Mandated Animal Population Surcharge:

- 1) Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge payable at the time the dog license application is filed in the amount of \$ 1.00
- 2) Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge payable at the time the dog license application is filed in the amount of \$ 3.00

C) Dog Enumeration Surcharge:

Each dog found to be unlicensed during a Town dog enumeration. shall be subject to a dog enumeration surcharge payable at the time the application is filed to license said dog, in the amount of \$ 5.00

D) Replacement Tag Fee:

A replacement tag fee shall be charged to offset the cost associated with the provision and replacement of identification tags, in the amount of \$ 3.00

E) There shall be no fee for any license issued for the following dogs, as defined in article 7 of the State Agriculture and Markets Law: guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog and therapy dog. Each copy of any license for such dogs shall be conspicuously marked “Guide Dog”, “Hearing Dog”, “Service Dog”, “Working Search Dog”, “War Dog”, “Detection dog”, “Police Work Dog” or “Therapy Dog”, as may be appropriate, by the clerk.

SECTION 2.6 ISSUANCE OF LICENSE; IDENTIFICATION TAG:

A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

B) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

C) Change of Ownership, Lost or Stolen Dogs.

- 1) Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.
- 2) In the event of change in ownership of any dog that has been assigned an official identification number, or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, notify the Town Clerk.
- 3) If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, notify the Town Clerk.
- 4) In the case of a dog's death, the owner of record so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

D) Identification Tag.

- 1) The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
- 2) An identification tag is not required to be worn while the dog is participating in a dog show.
- 3) The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- 4) No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned.
- 5) At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay to the Town Clerk for a replacement tag the sum of \$3.00

SECTION 2.7 PUREBRED DOG LICENSE AND FEE:

There will not be distinct purebred licenses as previously provided for by the State. Any and all existing owners of one or more purebred dogs and all existing purebred licenses will now be required to comply with this Local Law.

**ARTICLE III
CONTROL**

SECTION 3.1 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 leased.

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.

SECTION 3.2 RESTRICTIONS:

- A) 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 Ashford unless restrained by a chain or lease not exceeding six (6) 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.

- B) 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.

- C) 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.
- D) No owner or harbinger shall own, keep, harbor or have the care, custody or control of any dog not licensed as required by this Local Law.
- E) 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 that of its owner.
- F) 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.
- G) 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 has been issued for such premises. Notwithstanding anything to the contrary contained in this Paragraph G, if at the time of the effective date of this Local Law, 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.

SECTION 3.3 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 Local Law.

SECTION 3.4 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 this Local Law, 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 a 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, the dog may be seized and impounded in a suitable place.
- 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.

SECTION 3.5 EFFECT OF OWNERHSIP OF MINOR.

In the event that the owner shall be a minor under the age if sixteen (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.

SECTION 3.6 ENFORCEMENT; RIGHT OF ENTRY.

- A) This Article shall be enforced by the Dog Control Officer 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 the 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 and to require the display by the person own 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 any information and issue a Warrant for the arrest of such person.

SECTION 3.7 PENALTY FOR OFFENSES.

- A) Any person, firm or corporation violating any provision of Article 3 of this Local Law shall be guilty of a violation and shall be subject to penalties as set forth hereafter.
- B) Any person, firm or corporation taking part in or assisting in any violation of Article 3 of this Local Law shall also be subject to the penalties herein.
- C) Each day that a violation of this Article is commitment or is permitted to exist shall constitute a separate offense.
- D) Penalties shall be as follows:

- 1) For the first violation by any person, owner or harbinger within a three year period, such person, owner or harbinger shall be subject to a fine of not less than \$35.00 and not more than \$100.00.
- 2) For a second violation by any person, owner or harbinger within a three year period, such owner or harbinger shall be subject to a fine of not less than \$60.00 and not more than \$150.00.
- 3) For a third violation by any person, owner or harbinger within a three year period, such owner or harbinger shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.

Any person taking part or assisting in any violation of this Article shall also be subject to the penalties herein.

- E)** If a dog seized under the provisions of Section 33 of this Local Law is not redeemed within the redemption time periods provided by the New York State 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 Ashford must notify the Dog Control Officer of Ashford (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 Ashford, 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.

ARTICLE IV

SEIZURE OF DOGS: REDEMPTION; IMPOUNDMENT FEES:

- A)** The Dog Control Officer or any other law enforcement officer in the employ of or under contract with the Town of Ashford shall seize:
- 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.
- B)** The Dog Control Officer or any other law enforcement officer in the employ of or under contract to the Town of Ashford may seize any dog in violation of any local law relating to the control of dogs adopted by the Town of Ashford pursuant to the provisions of Article 7 of the Agriculture and Markets Law.

- C) Each dog seized in accordance with the provisions of this Article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.
- D) **Impoundment Fee.** Each dog which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this Local Law, and further provided that the owner pays the impoundment fee and pickup fee as required and as set forth below. All impoundment fees including all seizure and kennel fees and all fines or penalties levied or assessed by a Court pursuant to this Local Law shall be the property of the Town of Ashford. The fees for any seizure or impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of the provisions of this Local Law are as follows:
- 1) For the First impoundment \$25.00 plus the prevailing charge to the Town of Ashford for each day of impoundment.
 - 2) For the second impoundment within one (1) year from the date of the first impoundment: \$50.00 plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus the prevailing charge to the Town of Ashford for each day of impoundment.
 - 3) For the third impoundment within one (1) year from the date of the first impoundment: \$75.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus the prevailing charge to the Town of Ashford for each day of impoundment.
 - 4) For the fourth impoundment: \$100.00, plus a fee of \$3.00 for each additional twenty-four (24) hour period, plus the prevailing charge to the Town of Ashford for each day of impoundment.
- E) **Notice of Seizure; Redemption.** Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven (7) days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine (9) days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon the payment of the impoundment fees prescribed herein and by producing proof that the dog has been licensed.
- F) **Unredeemed Dogs.** An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period and the dog shall then be made available for adoption or euthanized. Any person, other than the owner of the dog seized or a member of his or her immediate family, may apply to the

impoundment facility for the adoption of the dog, provided that no such dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of this Local Law prior to its release from custody of a pound or shelter. Upon adoption, collection of any impoundment fees from the adoptee prescribed by this Section shall be waived.

ARTICLE V
BOARDING DOGS PURSUANT TO AN INTERMUNICIPAL AGREEMENT

SECTION 5.1 PURPOSE.

The Town of Ashford has a kennel which is used for the caring of and maintenance of dogs coming into its possession pursuant to the previous Articles of this Local Law. In the event that the kennel has available space, the Town of Ashford deems it advisable to make that space available to other municipalities pursuant to an Intermunicipal Agreement. This Article sets forth the procedures, terms and conditions for housing dogs pursuant to an Intermunicipal Agreement:

SECTION 5.2 AGREEMENT.

The Town Board of the Town of Ashford may enter into an Intermunicipal Agreement with Towns to make available surplus kennel space to house and care for dogs which are impounded by Dog Control Officers.

SECTION 5.3 CHARGE FOR HOUSING DOGS PURSUANT TO SUCH AGREEMENT.

Any Town which shall, pursuant to an Intermunicipal Agreement, place dogs with the Town of Ashford through its Dog Control Officer, shall pay the sum per day for housing each dog and shall reimburse the Town of Ashford for the actual cost of veterinary services which may be necessary and provided by the Town. The boarding fee shall be set in the Intermunicipal Agreement.

SECTION 5.4 RELEASE OF DOGS TO OWNER.

Dogs housed by the Town of Ashford pursuant to the Agreement shall not be released to the Owner unless the Owner presents a copy of a valid license for such dog, and pays the cost of housing and caring for the dog and any impoundment fees due under the dog licensing law of the Town which placed the dog with the Town of Ashford. Any sums received from such Owner shall be credited to the account of the Town which placed the dog with the Town of Ashford to apply to charges made to such Town as set forth in the Agreement. Any surplus amount paid by the Owner shall also be credited to the Town which delivered the dog.

SECTION 5.5 UNCLAIMED DOGS.

If no Owner has claimed an impounded dog for more than seven (7) days after it has been impounded and housed by the Town of Ashford and notice given to the Owner (nine (9) days of notice if given by mail), the Town of Ashford may seek to have the dog spayed/neutered and put up for adoption, or if necessary for public safety or the best interests of the animal, humanely euthanized, in accord with Ashford's dog laws. In such instances, the Town placing the dog with Ashford shall reimburse Ashford for the actual cost of veterinary services incurred and any charges which are made for the disposal of the remains of the euthanized animal.

SECTION 5.6 RIGHTS OF INSPECTION AND ACCESS.

The Town of Ashford shall allow officers or individuals designated by the Town which entered into the Intermunicipal Agreement to have reasonable access to the dog(s) of that Town housed in the Ashford kennels and shelter during regular business hours or at other mutually agreeable times.

SECTION 5.7.

The Town of Ashford shall bill monthly the Town placing the dogs with the Town of Ashford for all housing and veterinary services and other services incurred for dogs housed on behalf of such Town. Such bills shall credit any fees collected from dog owners by Ashford during such period. The Town placing such dogs shall pay all such bills within sixty (60) days of the receipt thereof.

SECTION 5.8 INDEMNIFICATION.

The parties each agree to defend, indemnify and hold harmless the other from claims arising from the actions, negligence or omissions of the indemnifying party.

SECTION 5.9 DURATION OF AGREEMENTS.

The parties shall agree on the duration of the Agreements but in no event shall it extend more than two years. After two years, the parties may confirm and renew the Agreement as it exists, or either party may require that the terms thereof be renegotiated or modified. Any modifications or changes shall be in writing signed by the parties and approved by the respective Town Boards.

ARTICLE VI

SECTION 6.1. PENALTIES.

If not stated elsewhere in this Local Law, any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-Five dollars (\$25.00) for a first violation; or Fifty dollars (\$50.00) for a second violation; and Seventy-Five dollars (\$75.00) for each subsequent violation.

ARTICLE VII

SECTION 7.1.

Any fees or costs set forth in this Local Law which are within the discretion of the Town Board of the Town of Ashford to set, may be amended and set from time to time by a Resolution of a majority of the members of the Town Board and included in the Schedule of Fees of the Town of Ashford.

SECTION 7.2. REPEAL OF INCONSISTENT LOCAL LAWS OE ORDINANCES.

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing and control of dogs within the Town.

All prior inconsistent Local Laws, Rules and Regulations, or portions thereof which shall be inconsistent, shall be, upon the effectiveness of this Local Law, null and void.

SECTION 7.3. SEVERABILITY CLAUSE:

The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 7.4. EFFECTIVE DATE:

This Local Law shall be effective upon the filing with the Secretary of State.