

**TOWN OF ASHFORD  
LOCAL LAW NO. 1 OF THE YEAR 2011  
DOG LICENSING AND CONTROL LAW**

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

**SECTION 1. TITLE:**

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

**SECTION 2. AUTHORITY:**

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets

Law. Citations shall be for reference purposes.

**SECTION 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 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.

**SECTION 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.

#### **SECTION 6. 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 7. ANIMAL SHELTERS AND POUNDS - NO LICENSES MAY BE ISSUED:**

The Town 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 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 8. 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 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 9. 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 10. 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 11. 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.

- tag
- 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 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 12. 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.

**SECTION 13. PENALTIES:**

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.

**SECTION 14. 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 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. Provisions of Local Law No. 1 of the year 1980 relating to the control, confining and leashing of dogs shall remain in effect as to those provisions which are not inconsistent with this Licensing Local Law.

**SECTION 15. 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 16. EFFECTIVE DATE:**

This Local Law shall be effective January 1, 2011 after filing with the Secretary of State.