

DOG LAW
CHAPTER 50
TOWN OF GORHAM

ARTICLE I

Control number of dogs allowed, housing conditions, barking, penalties

ARTICLE II

Dog control, leash law, restrictions, enforcement

ARTICLE III

Dog licensing requirements, exemptions, penalties

[History: Chapter 50 was amended by having the existing provisions numbered 50.001 through 50.009 be contained under the heading Article I.; and relocate Chapter 52, Dog Control Local Law as Article II and renumber from 52.100 through 52.700 to become 50.100 to 50.107. Chapter 52 shall be reserved for future use.; and by adding a new section Article III to be numbered 50.200 to 50.207. This by Local Law #1-2010, effective 1/1/11]

ARTICLE I - (Control number of dogs, housing, barking)

50.001	Title
50.002	Purpose
50.003	Definitions
50.004	Prohibitions
50.005	Application
50.006	Validity
50.007	Penalties
50.008	Previous Ordinance Repealed
50.009	Effective Date

[History: Adopted by the Town Board of the Town of Gorham, Local Law #1 of 1982; amended by Local Law #3 of 2005, effective 8/17/05] [Amended by LL#1-2010 effective 1/1/11 incorporated Ch 50 and 52 with new dog licensing law]

50.001	Title
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This Local Law shall be known and may be cited as the Dog Law of the Town of Gorham.

50.002	Purpose
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The purpose of this Local Law is to secure the comfort, health, safety and welfare of the residents of the Town of Gorham by regulating and controlling the safe and sanitary conditions under which dogs are kept.

50.003 Definitions

The words used in this Local Law shall have the meaning commonly attributed to them unless otherwise herein defined. The word “dog” includes both male and female dogs 6 months of age or older.

50.004 Prohibitions

1. It shall be unlawful within any zoning district in the Town of Gorham designated R-1- LFO, HR and HC for any person or a group of persons constituting a household to keep, harbor or maintain more than three (3) dogs at any one time within said household, or on the premises on which said household is located.

2. No dogs shall be penned, chained or otherwise confined within fifteen (15) feet of any property line.

3. No person or persons shall keep any dog in any pen, shed or yard without providing for the prompt removal and disposal of all feces, filth, rubbish and foul material that accumulates therein and becomes noxious and/or injurious to the public health.

4. Any pen, shed, or yard in which any dog is kept shall at all times be kept in reasonably clean condition.

5. In every zoning district in the Town of Gorham, prolonged and continuous barking may be a public nuisance, and no person who owns or harbors a dog shall permit the dog to engage in prolonged and continuous barking. Any person found guilty of harboring a dog that disturbs the peace of the neighborhood in any zoning district by continuous or nearly continuous barking for a period of one hour or more, within one year after a signed written complaint had been filed with the Zoning Officer that the same dog or another dog harbored by the same person had disturbed the peace of the neighborhood by continuous or nearly continuous barking for a period of one hour or more, shall be guilty of an offense punishable as hereinafter prescribed.

6. Dangerous dogs, as defined in Article 7 of the Agriculture and Markets Law of the State of New York, shall be dealt with as therein provided.

50.005 Application

Application of this Local Law shall apply throughout the Town of Gorham, exclusive of that portion of the Town lying within the boundaries of the Village of Rushville.

50.006 Validity

If any portion of this Local Law shall be declared by a Court of competent jurisdiction to be invalid, such determination shall not effect the validity of the remaining portions of this Local Law.

50.007 Penalties

A violation of any provision of this Local Law shall be an offense punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment.

50.008 Previous Ordinance Repealed

The Dog Ordinance of the Town of Gorham adopted in December 1966 is hereby repealed.

50.009 Effective Date

ARTICLE II-- DOG CONTROL LOCAL LAW

- 50.100 Title**
- 50.101 Purpose**
- 50.102 Definitions**
- 50.103 Restrictions**
- 50.104 Enforcement**
- 50.105 Severability**
- 50.106 Effective Date**

(History: Adopted by the Town Board of the Town of Gorham, Local Law #3-91; adopted April 17, 1991.)

50.100 TITLE

This ordinance shall be known and may be cited as the Dog Control Law of the Town of Gorham.

50.101 PURPOSE

The purpose of this Local Law shall be to preserve the public peace and good order in the Town of Gorham and to contribute to the public welfare, safety and good order of its people enforcing certain restrictions on the activities of dogs, consistent with the rights and privileges of the owners of dogs and of the other citizens of the Town of Gorham.

50.102 DEFINITIONS

A. At Large: Any dog shall be deemed to be at large if not accompanied by a person who:

1. Is in full control of the dog, or
2. Is providing restraint of the dog by secure leash or lead, or
3. Has confined the dog to an enclosure, such as a cage or motor vehicle, in such a manner that the dog may not roam freely upon public or private lands elsewhere than on the premises of the owner or on the premises of another responsible person who has knowledge of the dog's presence and who assents thereto.

B. Dog: Any member of the species canis familiaris..

C. Owner: Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors under eighteen years of age shall be deemed to be in the custody and control of parents or other heads of the households where the minors reside. Any person harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this ordinance shall be deemed to be the owner of the dog for the purposes of this law.

50.103 RESTRICTIONS

A. No person shall permit a dog to be at large within the limits of the Town of Gorham.

B. No dog shall be at large within the limits of the Town of Gorham.

50.104 ENFORCEMENT

A. Enforcement officer: The provisions of this law may be enforced by any person, municipality, or organization for the prevention of cruelty to animals, appointed by law by or pursuant to contract with the Town of Gorham.

B. Appearance tickets and process: Any person or entity authorized to enforce this law may issue appearance tickets therefore, pursuant to the Criminal Procedure Law, may issue said tickets for any violation of Article 7 of the Agriculture and Markets Law of the State of New York, and is hereby authorized to serve any process relation to any proceeding, whether civil or criminal in nature, in accordance with the provisions of this law. In the event an appearance ticket is unanswered, the Town Justice shall permit the filling of an information from the appropriate enforcement person and issue a warrant of arrest for the alleged violator.

C. Seizure: Any dog found to be at large in the Town of Gorham shall be seized, and properly fed and cared for, until redeemed or disposed of in accordance with the provisions of the Agriculture and Markets Law. Each such dog shall be held for a period of five to nine days, in accordance with the provisions of a valid license, and upon payment of the impoundment fees established by the aforesaid section, an owner may redeem such dog. In the event a dog is not redeemed within the statutory time period, an owner forfeits title to said dog, which shall then be made available for adoption or euthanized in accordance with the law. The seizure of any dog shall not relieve any person of prosecution for violation of this ordinance.

D. Commencement of Proceedings: Any person found to have permitted any dog to be at large in the Town of Gorham shall be issued an appearance ticket for violation of this law, and shall be prosecuted in the manner herein provided.

E. Prosecution of Violations: Pursuant to the Penal Law of the State of New York, a violation of this law shall be punishable by a fine of not more than twenty-five dollars, except that:

1. Where the person was found to have violated this law or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not more than fifty dollars, and

2. Where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than fifteen days, or both.

50.105 SEVERABILITY

If any part to this law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this law.

50.106 EFFECTIVE DATE

This law shall take effect thirty days after the adoption thereof , whichever last occurs

ARTICLE III - Dog licensing

- 50.200 Title
- 50.201 Licensing of dogs
- 50.202 Application
- 50.203 Identification Tags
- 50.204 License Term
- 50.205 Licenses non-transferrable
- 50.206 Purebred Licenses
- 50.207 Guide Dog, Service Dog, Hearing Dog or Detection Dog Tag

50.208	Fees and Surcharges
50.209	Exemptions
50.210	Penalties
50.211	Separability

§50.200 Title:

This law shall be known and may be cited as the Dog Licensing Law of the Town of Gorham [adopted by LL#1-2010 effective 1/1/11]

§50.201 Licensing of Dogs:

All dogs in the Town of Gorham, unless otherwise exempted by New York State Agriculture and Markets Law, must be licensed with the Town Clerk of the Town of Gorham by the age of four (4) months.

§50.202 Application:

The owner of each dog required to be licensed shall, for new applications and renewal applications, obtain, complete and return to the Town Clerk:

1. A dog license application;
2. The license application fee;
3. Any applicable license surcharges;
4. Such additional fees as may be established by the Town Board of the Town of Gorham;
5. 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;
6. In the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.

§50.203 Identification Tag:

Each dog licensed pursuant to this Law shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

§50.204 License Term:

All dog licenses will be for a period of at least one year but no greater than three years and will expire, at a minimum, at the end of the month one year from the date of issue, or for licenses issued for a term greater than one year, on the last day of the last month of the period for which they are issued.

§50.205 Licenses Non-Transférable:

Any license issued pursuant to this Law shall not be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a new license for such dog.

§50.206 Purebred Licenses:

The Town of Gorham will not issue purebred licenses.

§50.207 Guide Dog, Service Dog, Hearing Dog or Detection Dog Tag:

The Town of Gorham will not issue a special tag for identifying any guide dog, service dog, hearing dog or detection dog.

§50.208 Fees and Surcharges:

The fees and surcharges for issuing dog licenses shall be fixed by the Town Board. Such fees and surcharges may from time to time be changed as the Town Board may determine. These fees and surcharges may include:

1. The license fee for a spayed or neutered dog;
2. The license fee for an unsprayed or an unneutered dog (such fee having to exceed the fee for a license for a spayed or neutered dog by such amount as mandated by the New York State Agriculture and Markets Law);
3. In addition to the license fee authorized by this law and established by the Town Board of the Town of Gorham, a surcharge if the dog to be licensed **is** altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);
4. In addition to the license fee authorized by this law and established by the Town Board of the Town of Gorham, a surcharge if the dog to be licensed **is not** altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);

5. In addition to the license fee authorized by this law and established by the Town Board of the Town of Gorham, a surcharge to recover and defray the cost of an enumeration of dogs living with the Town of Gorham.

§50.209 Exemptions:

A. Excepted from payment of the license fee are applications submitted for a dog license for any of the following dogs, provided written documentation is provided with such application that certifies such dog as being any of the following:

1. guide dog;
2. service dog;
3. therapy dog.

B. A dog participating in a dog show within the Town of Gorham shall be exempt, during such participation only, from the requirement, contained in §50.203 of this Law and in Section 111, as amended, of the New York State Agriculture and Markets Law, of wearing its identification tag.

§50.210 Penalties:

A violation of this Law shall be punishable by:

- A. A fine of twenty-five dollars (\$25.00) for a first violation;
- B. A fine of fifty dollars (\$50.00) for a second violation within five years of the first violation; and
- C. Where the person was found to have committed two or more such violations within the preceding five years, either a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen days, or both.

SECTION 5. Separability:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 6. Effective Date:

This local law shall take effect January 1, 2011 after filing with the Secretary of State.