



Town of West Seneca

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MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: September 26, 2021

Subject: Local Law No. 2021- 6
Public Hearing

I hereby request a public hearing be held on November 1, 2021 before this Board to modify Chapter 62 of the Town of West Seneca Code. I have attached a copy of the proposed law hereto, which will be the subject of the public hearing.

TOWN OF WEST SENECA
LOCAL LAW NO. _____ OF THE YEAR 2021

A Local Law of the Town of West Seneca to modify create dog laws, as follows:

Be it enacted by the Town Board of the Town of West Seneca,

CHAPTER 62

Section 62-10 Dog licensing, identification, fees and surcharges

- A. No household shall keep more than three (3) dogs, four (4) months of age or older, on any residence in the Town of West Seneca.
- B. Exemptions. The Town Clerk shall not issue any dog licenses in any instance where more than three (3) dogs, four (4) months of age or older, will be kept on any residence unless a multiple dog housing license is secured, which is subject to the following conditions:
- (1) Any premises with more than three (3) dogs must secure a multiple dog housing license. The Town Clerk shall issue a multiple dog housing license after the Dog Control Officer performs an inspection of the premises. The West Seneca Dog Control Officer shall apply the following criteria for issuance of a multiple dog housing license:
- (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 that does not subject the dogs to extreme temperatures;
 - (d) Capacity of the owners to maintain the dogs in a clean manner; and
 - (e) Capacity of the owners to provide necessary veterinary care for the dogs.
 - (f) The dogs are the owner's pets and are not for sale or in any way use for any business.
- C. In the event the number of dogs at a premises increases, additional licenses shall be required.
- D. All dogs within the Town of West Seneca shall be licensed by the Town Clerk's Office. The owner of each dog required to be licensed shall obtain a dog license from the Town Clerk's Office and pay any license fee, applicable license surcharge and any such additional fee as may be established by the Town Board of the Town of West Seneca. 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. Each license shall be valid for a period of one year and shall not be transferred. The Town Clerk shall not issue any dog license to an owner who is not in compliance with Subsections A or B above.
- E. Exemptions. Exempted from payment of the license fee are any guide, hearing, service, war,

working search, detection, police and therapy dogs. The person owning, possessing or harboring such a dog bears the burden of demonstrating to the satisfaction of the Town Clerk that the dog is such a service dog and exempt from licensing.

F. License fees and surcharges:

(1) License fees and surcharges under this Chapter shall be prescribed from time to time by the Town Board of the Town of West Seneca by resolution.

(2) In the event that an owner of a dog which is licensed by another municipality in New York State moves into the Town of West Seneca, he/she must obtain an identification tag from the Town Clerk's Office. In such instance, there will be no additional fee owing to the Town of West Seneca until such time as the license from the other municipality expires.

G. The Dog Control Officer can revoke a license, after granting the license, in the event the owner does not comply with the criteria set forth in this Chapter. The license holder shall be notified in writing of the criteria with which the owner has failed to comply. The license owner shall be provided 60 days to correct the failure to comply. In the event that the owner fails to make said corrections, the license may be revoked.

H. Identification of dogs. Each dog licensed by the Town of West Seneca shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog or an identification tag which shall be affixed to a collar on the dog at all times.

I. In the event that more than three (3) dogs are housed without a multiple dog housing license, the individual maintaining the dogs shall be noticed that they have thirty (30) days to comply with Subsection A above.

J. A fee in the sum of \$50.00 will be due annually for the multiple dog housing permit in Subsection B above.

Section 120-64 Definitions

KENNEL A building and/or area for the purpose of boarding for compensation more than three dogs that are more than four months old.