

Chapter 143

DOGS

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[HISTORY: Adopted by the Town Board of the Town of Alden 9-28-1979 by L.L. No. 3-1979; amended in its entirety 12-6-2010 by L.L. No. 5-2010 (Ch. 9 of the 1981 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 249.

Zoning — See Ch. 365.

ARTICLE I
Licensing

§ 143-1. Licensing of dogs.

- A. All dogs in the Town of Alden must be licensed with the Town Clerk by the age of four months, and a current certificate of rabies is required to be presented at the time of licensing or the renewal of an existing license.
- B. All dog licenses will be paid for a period of one year and will expire at the end of the month one year from the date of issue. Dog licenses are not transferable.
- C. Fees for licensing of dogs. The fee for a spayed or neutered dog and the fee for an unspayed or unneutered dog will be as set in the Town Fee Schedule,¹ with such fees being reviewed by the Town Board periodically and which may be changed by a resolution of the Town Board if deemed necessary.²
- D. Grace period. Any dog harbored within the Town of Alden which is owned by a resident of New York City and licensed by the City of New York, or which is owned by a nonresident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of 30 days be exempt from the provisions of this section.
- E. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee as set by resolution of the Alden Town Board will be assessed to all dogs found unlicensed.
- F. Purebred license. The Town of Alden will not be issuing purebred licenses. All dogs will be licensed individually as per the fee system stated above.
- G. Service dogs. The Town of Alden will require a license for every guide dog, service dog, hearing dog, therapy dog and detection dog; however, the fee for this license shall be waived. All applicants for licenses for a guide dog, service dog, hearing dog, therapy dog or detection dog shall be required to present a current certificate of rabies at the time of licensing or the renewal of an existing license.
- H. The Town of Alden 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 or City in which the dog will be harbored for licensing or to the Town Clerk of the Town of Alden, where the shelter is located for the purchase of the license for adoption purposes.
- I. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be no refund of fees.
- J. All fees will be used in funding the administration of the Dogs Law of the Town of Alden.

1. Editor's Note: The current Fee Schedule is on file in the office of the Town Clerk.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE II Control

§ 143-2. 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 actively engaged in hunting or training for hunting on unposted land or posted land with the permission of the owner of the land or leashed as prescribed by § 143-3.

HARBORER — The person who provides sustenance and shelter for any dog, whether or not such person shall be the owner.

KENNEL — The keeping, breeding or boarding of more than ~~two~~four dogs over the age of six months old shall constitute a "kennel."

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.

§ 143-3. Restrictions.

- A. No person, firm or corporation 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 Alden unless restrained by a chain or leash not exceeding six 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. This provision shall not apply to a hunting dog in company with a duly licensed hunter who is able to and does control the animal, provided the hunting does not take place on any property which is a public park or school property, or to a guide dog, service dog or working dog who is exempted from licensing fees pursuant to Agriculture and Markets Law § 110, when actually engaged in such service activity.
- B. No owner or harbinger of a dog shall permit or allow such dog to engage in habitual loud howling or barking or to conduct itself in such manner as to habitually annoy any person other than its owner or harbinger. Specifically, no dog shall be allowed to bark or howl for a period in excess of 15 consecutive minutes when said barking is audible from beyond the property line of the owner's residence.
- 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 person, firm or corporation shall own, keep, harbor or have the care, custody or control of any dog not licensed as required by Article 7 of the Agriculture and Markets Law of the State of New York.
- 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 his/her own.

- F. No owner or harborer of a dog shall allow such dog to habitually chase motor vehicles or bicycles or other conveyances, including pedestrians and joggers.
- G. No owner or harborer of a dog shall fail to have such dog receive the mandatory rabies vaccinations as required pursuant to the provisions of Article 21, Title IV, of the Public Health Law.
- H. No owner or harborer of a dog shall permit more than ~~two~~four dogs six months or older to reside on any property unless the property has obtained a kennel special use permit. If at the time of the effective date of this article, an owner or harborer, when such owner or harborer does not breed and/or sell dogs and maintains his/her dogs as family pets, has more than ~~two~~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 harborer first obtaining a kennel special use permit if their replacement would result in there being more than ~~two~~four dogs over six months of age residing on the premises. All owners or harborers who breed dogs and/or sell dogs shall be subject to this article upon the effective date of this article and are required to make immediate application for and to obtain a kennel special use permit.

§ 143-4. 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/her duties under this article.

§ 143-5. 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 § 143-3A and to impound said dog in a suitable place.
- B. In the use of any weapon or device for dog control, including, but not limited to, netting, trapping, snaring, tranquilizing 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 and file the same in the office of the Town Clerk 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.
- D. The Dog Control Officer shall seize and quarantine for 10 days any dog in the Town of Alden who bites any person or animal, when proof of the biting dog's rabies vaccination is not immediately available upon demand of the Dog Control Officer. [Added 10-1-2012 by L.L. No. 1-2012]

§ 143-6. Effect of ownership by minor.

In the event that the owner or harborer shall be a minor under the age of 16 years, then the head of the household in which such minor resides 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.

§ 143-7. Enforcement; right of entry.

- A. This article shall be enforced by the Dog Control Officer and 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 owning or having charge or control of such dog of the license tag for such dog.
- D. If an issued summons is disregarded by the person receiving it, the Town Justice may permit the filing of an information and issue a warrant for the arrest of such person.

§ 143-8. Penalties for offenses.

- A. Any person, firm or corporation violating any provision of this article shall be guilty of an offense punishable as set forth in § 118 of the Agriculture and Markets Law except that in the case of a violation of § 143-3G such person shall also be in violation of Article 21, Title IV of the Public Health Law and the penalties as provided for therein.³
- B. Any person, firm or corporation taking part in or assisting in any violation of this article shall be subject to the penalties herein.
- C. Each day that a violation of this article is committed or is permitted to exist shall constitute a separate offense.
- D. Penalties shall be in accordance with the Agriculture and Markets Law and the following maximums: \$250 and/or 15 days' imprisonment for each offense. Any person taking part or assisting in any violation of this article shall also be subject to the penalties herein. The prosecution of a violation of § 143-3 shall be in lieu of a civil action pursuant to the New York State Agriculture and Markets Law § 118, Subdivision 2.⁴
- E. Seized dogs. **[Amended 10-1-2012 by L.L. No. 1-2012⁵]**
 - (1) If a dog seized under provisions of § 143-3 is not redeemed within five business days, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets, and pay any established fines and/or fees. Anyone who picks up an at-large dog in the Town of Alden must notify the Dog Control Officer of Alden (or his/her assistant) and surrender the dog upon request, before removing the dog from the Town, subject to fine. Fees include veterinarian bills, license fees and maintenance fees of the dog and shall be as set forth in Agriculture and Markets Law § 117, Subdivision 4. 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.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) If a dog is seized under the provisions of § 143-5D, the owner shall pay all veterinarian bills, licenses fees and maintenance fees of the dog, which shall be as set forth in Agriculture and Markets Law § 117, Subdivision 4. 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. For dogs not redeemed after 12 days, the owner shall forfeit all title to such dog, and the dog shall be sent to the SPCA or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets; and the owner shall pay any established fines and/or fees.

F. Fees and penalties for failure to license a dog. [Amended 10-1-2012 by L.L. No. 1-2012]

- (1) If the Dog Control Officer of the Town discovers that an owner or harbinger has an unlicensed dog, the Dog Control Officer shall proceed as a civil matter and shall notify the owner or harbinger that he or she is in violation of the Town of Alden Code, Chapter 143, Dogs, Article I, Licensing, § 143-1A, and the owner or harbinger shall have five days to obtain a license. At the time that the normal license fee is paid, such owner or harbinger shall pay an additional processing fee as set in the Town Fee Schedule.⁶ If the owner or harbinger shall not obtain a license within said five-day period, the Dog Control Officer will commence a criminal proceeding with the Town Court.⁷
- (2) Any fees and penalties collected under this section shall be maintained in an account by the Town of Alden to be used to fund future dog enumerations performed by the Town of Alden.

§ 143-9. Liability of Town officials.

No officer, agent or employee of the Town of Alden shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this article. Any suit brought against any officer, agent or employee of the Town of Alden as the result of any act required or permitted in the discharge of his/her duties under this article shall be defended by the Town Attorney until the final determination of the proceedings thereon.

6. Editor's Note: The current Fee Schedule is on file in the office of the Town Clerk.

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE III
Kennel Special Use Permit

§ 143-10. Special use permit.

- A. Kennels are permitted only in Rural Agricultural Districts upon the issuance of a kennel special use permit in accordance with the kennel special use permit provisions herein.
- B. In any application for a kennel special use permit to operate a kennel in the Town of Alden, the applicant must provide a site plan which site plan must include the location of the kennel, including distances from adjoining properties, screening that is being provided to limit the ability of dogs to view others in order to limit the amount of barking, the design for such kennel identifying the specific areas and size of areas provided for each dog to be housed in the kennel, the types and/or size of dogs to be housed at the kennel to ensure that the shelter is suitable to the breed and age of dog to be housed there, such area to meet minimal space requirements as set forth by the Agriculture and Markets Law of the State of New York so as to allow the dog to move about in a natural manner, light, area and temperature sufficient to protect the dog.
- C. All pens and runways for the dogs must be at least 100 feet from any adjoining lot line and a minimum of 150 feet from any street line.
- D. Kennels must be maintained to ensure that the interior spaces are structurally sound and in good repair to keep the dogs contained therein from injury. There must be no rust, jagged edges or sharp points.
- E. Kennels must provide sufficient shelter to allow dogs to be sheltered from inclement weather. A kennel cannot harbor more than 25 dogs at any one time.
- F. Kennels must separate dogs where appropriate, including separation of incompatible dogs, females "in heat" and male dogs, vicious and other dogs, adult dogs and puppies (other than the mother with nursing puppies) and dogs with contagious disease and healthy dogs.
- G. Kennels shall be periodically inspected by the Dog Control Officer at least once a year or at such other shorter period as determined to be appropriate by the Dog Control Officer to ensure that the dogs are properly cared for. The Dog Control Officer shall inspect the kennel for the purpose of determining, among other things:
 - (1) That the dogs are being properly fed at suitable intervals, with wholesome food appropriate for the breed and age of the dog and sufficient to maintain a reasonable level of nutrition in each dog. The food shall be served in a suitable receptacle, dish or container that has been physically cleaned.
 - (2) That the dogs are being properly watered with a constant supply of clean, fresh potable water in a sanitary manner.
 - (3) That the kennel is properly being maintained as clean, structurally sound and in good repair with no rust, jagged edges or sharp points.
 - (4) That all dogs over four months of age are properly licensed and have received the required rabies shots.
 - (5) That all dogs are provided the opportunity for daily exercise.
- H. The kennel special use permit for operating a kennel may be revoked if it is determined by the Dog

Control Officer that the operator of the kennel is not operating the kennel in the manner required by this article.

- (1) If the Dog Control Officer has determined that the kennel is not being operated in accordance with the requirements of this article, the Dog Control Officer shall notify the operator of the kennel as to any deficiencies that he has found in the operation of the kennel.
- (2) Upon receipt of the notice from the Dog Control Officer of the alleged deficiencies, except in the case of failure to provide food and water, the operator shall have 30 days to correct such deficiency and the Dog Control Office shall inspect the kennel at the end of such thirty-day period to determine whether it has been corrected.
- (3) If the Dog Control Officer determines that it has not been corrected, the Dog Control Officer shall notify the Town Board of the failure to comply and a hearing shall be held before the Town Board upon 15 days' notice to the operator.
- (4) If the Town Board determines that the operator is not operating in accordance with the requirements of this article, the Town Board shall revoke the kennel special use permit.
- (5) In the case where the deficiency detected by the Dog Control Officer is the failure to provide food and water, the Dog Control Officer shall immediately remove the dogs and place them in a suitable shelter. The cost of housing such dogs at such shelter shall be at the sole cost of the operator of the kennel. The operator of the kennel shall be entitled to a hearing before the Town Board on 15 days' notice to the operator and if the Town Board determines that the operator is not operating in accordance with the requirements of this article, the Town Board shall revoke the kennel special use permit.

I. Kennel special use permit procedure: The Town Board may, upon application and a public hearing thereon, and when the provisions of § 143-10A through G are met, issue a kennel special use permit as follows:

- (1) Application. Application for a kennel special use permit shall be made to the Town Board on a form provided by the Town Clerk's office and shall be accompanied by a fee as set by the Town Board.
- (2) Planning Board review. All applications for a kennel special use permit shall be reviewed by the Town Planning Board, which shall report its findings to the Town Board. Prior to reporting its findings to the Town Board, the Planning Board shall refer the application to the Erie County Planning Board for advisory review and in accordance with § 239-m of the General Municipal Law.
- (3) Notice of public hearing. Notice of the public hearing to be held by the Town Board shall be mailed to the adjacent property owners and published in the official newspaper of the Town of Alden at least five days prior to the date of the hearing.
- (4) Town Board review. After considering the Planning Board's recommendation, the Town Board may issue a kennel special use permit attaching any conditions it may deem necessary.
- (5) Term of permit. A kennel special use permit shall expire one year from the date of issuance by the Town Board.
- (6) Permit renewal.

- (a) Requests for renewal shall be submitted in writing to the Town Board, accompanied by the fee as set by the Town Board.
- (b) Notices of the request for renewal shall be mailed to the adjacent property owners at least five days prior to the Town Board taking action on the request for renewal.
- (c) The request shall be reviewed and an inspection of the property shall be made by the Dog Control Officer per the specifications listed in § 143-10G above. The Dog Control Officer shall report his/her finding to the Town Board which, upon a determine of compliance, may renew the kennel special use permit for one year.

Motion to Introduce Local Law # 5 of 2025 (6.16.25)

Motion to introduce Local Law # 5 of 2025 entitled: "Amendments to Dogs Law" and to refer the draft local law to the Planning Board for review and recommendation.

1st:

2nd:

Councilman Crist	Aye	Nay
Councilwoman Waiss	Aye	Nay
Supervisor Pautler	Aye	Nay
Councilwoman Bork	Aye	Nay
Councilman Cieszki	Aye	Nay

Motion to Introduce Local Law # 3 of 2025 (4.21.25)

Motion to introduce Local Law # 3 of 2025 entitled: "Amendments to Chapter 122: Community/Senior Center and Town Hall Gym"

1st:

2nd:

Councilman Crist	Aye	Nay
Councilwoman Waiss	Aye	Nay
Supervisor Pautler	Aye	Nay
Councilwoman Bork	Aye	Nay
Councilman Cieszki	Aye	Nay

Motion to Introduce Local Law # 4 of 2025 (4.21.25)

Motion to introduce Local Law # 4 of 2025 entitled: "Amendments to Chapter 249: Parks and Recreations Areas"

1st:

2nd:

Councilman Crist	Aye	Nay
Councilwoman Waiss	Aye	Nay
Supervisor Pautler	Aye	Nay
Councilwoman Bork	Aye	Nay
Councilman Cieszki	Aye	Nay