

Town of Rensselaerville

LOCAL LAW NO. 3 OF THE YEAR 2010

A Local Law entitled “Dog Licensing and Control Law of the Town of Rensselaerville”

A local law that provides for the licensing and control of dogs in the Town of Rensselaerville

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

Section 1: Purpose: The purpose of this Local Law is to protect the health, safety, and well being of persons and property within the Town of Rensselaerville by providing for the licensing and identification of dogs; the control and protection of the dog population; the protection of persons, property, domestic animals, and livestock from dog attack and damage; and placement of restrictions on the keeping of dogs within the Town.

Section 2: Authority: This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law (Part T of Chapter 59 of the Laws of 2010) and the Municipal Home Rule Law of the State of New York.

Section 3: Title: The title of this Law shall be the “Dog Licensing and Control Law of the Town of Rensselaerville.”

Section 4: Definition of Terms: As used in this Local Law the following terms shall have the respective meanings set forth below. Any term used in this Local Law and not defined below shall have the meaning set forth in Section 108 of the Agriculture and Markets Law.

(a) “Dog” means male and female, licensed and unlicensed, members of the *specis canis familiaris*.

(b) “Identification Tag” – a tag issued by the Rensselaerville Town Clerk which sets forth the license identification number of the dog together with the name of the Town, County and State, the telephone number of the Town, and any other information deemed necessary by the Town Clerk.

(c) “Owner” means person entitled to claim lawful custody and possession of a dog. If a dog is not licensed, the term “owner” shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes within the Town. Where any person under 18 years of age has custody, control, or harbors any dog, the parent or guardian of said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.

(d) “Town” means the Town of Rensselaerville.

Section 5: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Harass, threaten or harm any person, livestock, domestic pets or animals other than those owned by the owner of such dog.

(b) Exhibit behavior or do acts considered to be those of a “dangerous dog” as that term is defined in the Agriculture and Markets Law or otherwise present an imminent threat to the public health or safety.

Section 6: Licensing of Dogs:

(a) Licenses Required: All dogs four (4) months old or older that are kept in the Town of Rensselaerville for more than four (4) consecutive months must be licensed with the Town Clerk.

(b) License Term: All dog licenses will be for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue.

(c) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$8.00 (which includes the assessment of the mandatory New York State surcharge of \$1.00 for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$15.00 (which includes the assessment of the mandatory New York State surcharge of \$3.00 for the purpose of carrying out animal population control).

(d) Enumeration fee: When the Town Board determines the need for a dog enumeration, an additional fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

(e) Purebred License: The Town will not be issue Purebred or Kennel Licenses. All dogs will be licensed individually as per the fee system stated above.

(f) Service Dogs: The Town will not require a license fee for any guide, service, hearing, war, working search, detection, police or therapy dogs.

(g) Licensing by Shelters: The Town does not authorize or allow the licensing of dogs by a shelter. For the purchase of the license for adoption purposes, 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 Rensselaerville, if the dog will be harbored in the Town of Rensselaerville or the shelter is located in the Town of Rensselaerville.

(h) Licensing Applications; All dog license applications and purchases may be obtained 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. In addition to the

submitting the fee and a completed application on forms issued by the Town, an applicant for a dog license must also submit or present:

- proof that the dog has been vaccinated against rabies such as a current certificate of 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, at the time of licensing or the renewal of an existing license;
- proof that the dog is spayed or neutered for a license for a spayed or neutered dog; and/or
- proof that the dog is a qualified guide, service, hearing, war, working search, detection, police or therapy dog.

(i) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this Local Law or the Laws of the New York State Department of Agriculture and Markets Law are as follows:

- First Offense: \$10.00 plus \$15.00 per day of impoundment, and any veterinary, euthanasia and any other fees per animal that are charged to the Town for such service;
- Second Offense: \$20.00 plus 15.00 per day of impoundment, and any veterinary, euthanasia and any other fees per animal;
- Third Offense and additional offenses: \$30.00 plus \$15.00 per day of impoundment, and any veterinary, euthanasia and any other fees per animal;
- No impounded dog shall be returned to the owner until such fees are paid. If the owner of any impounded dog refuses to pay such fees and/or abandons the impounded dog, the Town may seek recovery of such fees by commencing an action in a court of competent jurisdiction and the owner shall also be required to pay the Town costs and attorneys fees incurred in attempting to recover the aforesaid fees.
- Offenses are charged against the owner regardless of the dog(s) involved.

(j) All fees set forth in this section are calculated to reimburse the Town for the costs of the administration of the Dog Licensing and Control Law of the Town and will be used for such purpose. The Town Board is hereby authorized to review periodically the schedule and amount of fees set forth in this Law and to amend said schedule and amount of fees from time to time as the Town Board deems necessary to fund the administration of this Law by resolution or local law.

Section 7: Procedure for Seizure of Dogs:

(a) The Dog Control Officer or any peace officer may seize:

- Any unlicensed dog whether on or off the owner's premises;
- Any dog not wearing a tag, not identified, and which is not on the owner's premises;
- Any dog found in violation of paragraphs (a) and (b) of Section 5 of this Local Law.

(b) The owner of any dog seized and impounded by the Town of Rensselaerville shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays the applicable fee set forth in section 6(i) above. After the five (5) business day redemption period, the dog may be put up for adoption, transferred to

another shelter or humane society, or otherwise disposed of in accordance with Article 7 of the Agriculture and Markets Law.

- (c) It is hereby authorized that the Town may provide impoundment services or may contract with another municipality, incorporated humane society, dog protective organization, private shelter or boarding facility for dog impoundment and shelter services. Any seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and shall ensure that any order of the Town Justice of the Town of Rensselaerville regarding any particular dog impounded is carried out.
- (d) The Dog Control Officer or peace officer observing a violation of this Law in his/her presence may issue and serve an appearance ticket for such violation. Said violation of this Law should be considered a Petty Offense and not a Misdemeanor.
- (e) Any person who observes a dog in violation of this Local Law may file a complaint with the Town Dog Control Officer who is hereby authorized to investigate and take any action that he/she deems appropriate regarding such complaint in order to carry out the provisions of this Local Law.
- (f) Any person who makes a complaint regarding allegations of a dangerous dog for proceedings pursuant to the Agriculture and Markets Law shall make said complaint under oath with the Town Justice of the Town of Rensselaerville specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint of a dangerous dog will serve as a basis for instituting proceedings before the Town Justice regarding such dog.

Section 8: 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; of Fifty Dollars (\$50.00) for a second violation and One Hundred Dollars (\$100.00) for each subsequent violation.

Section 9: Separability: Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10: Effect of Law: This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Rensselaerville, and they shall be null and void. The applicable provisions of Articles 7 and 26 of the Agriculture and Markets Law shall apply to all subjects or topics having to do with the control of dogs within the Town if otherwise unaddressed in this Local Law.

Section 11: Effective Date: This Local Law shall be effective January 1, 2011, after filing with the Secretary of State.

END OF LAW