

Local Law Filing

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County

City of JEWETT

Town of

Village

Local Law No. 7 of the year 20 10

A local law REGULATING THE LICENSING OF DOGS
(Insert Title)
.....
.....
.....
.....

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County

City of JEWETT

Town of as follows:

Village

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**TOWN OF JEWETT
LOCAL LAW # , 2010
REGULATING THE LICENSING OF DOGS**

Section 1. PURPOSE AND INTENT

The Town Board of the Town of Jewett finds it necessary to enact a local law to address the licensing of dogs in lieu of the State of New York's recent mandate that dog licensing become a local government function on January 1, 2011. The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of person, property, and domestic animals from dogs.

Section 2. AUTHORIZATION

This local law is adopted pursuant to section 10 of the Municipal Home Rule Law and New York Agriculture and Markets Law Part T of Chapter 59 of the Laws of 2010.

Section 3. ENACTMENT

The Town Board of the Town of Jewett hereby adopts the following local law with regard to the licensing of dogs within the Town of Jewett:

Section 4. DEFINITIONS

As used in this Local Law, the following terms shall have the meanings indicated:

CUSTODIAN - person having possession or guardianship of any dog who is not the owner of the dog.

DOG - includes male and female, licensed and unlicensed members of the species *Canis familiaris*.

DOG CONTROL OFFICER – any individual appointed by the Town of Jewett to enforce any and all New York State Agriculture and Markets Laws and Local Laws regulating animals, including dogs.

HARBOR- to provide food and/or shelter to any dog.

IDENTIFICATION TAG - tag issued by the Town of Jewett which sets forth the identification number assigned to a specific dog and such other information as the Town of Jewett deems appropriate.

IDENTIFIED DOG - any dog carrying an identification tag as required by this Local Law.

LICENSE EXPIRATION DATE - the expiration date as noted on the dog license issued by the Town of Jewett.

OWNER – any person, including a custodian as that term is defined above, who harbors or keeps a dog.

OWNER OF RECORD- the person in whose name any dog was last licensed pursuant to this local law, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. Any person owning or harboring a dog for a period of one (1) week in the Town of Jewett shall be held and deemed the owner of such dog for purposes of this Local Law.

POLICE WORK DOG- means any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

SERVICE DOG- means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

TOWN CLERK - the Clerk of the Town of Jewett, where dog licenses are validated or issued pursuant to this Local Law.

WAR DOG- means any dog which has been honorably discharged from the United States armed services.

Section 5. LICENSING OF DOGS

A. All dogs within the Town of Jewett four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return, to the Town Clerk a dog license application together with required supporting documentation, the license application fee, any applicable license surcharges and such additional fees as may be established by the Town of Jewett. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies and that such vaccination is current 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 issued shall be valid for a period of one year and must be renewed prior to the expiration date thereof. The Town of Jewett hereby specifically opts out of the option to allow any licensed chapter of the Humane Society to issue licenses within the Town.

B. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.

C. All licenses shall expire on the last day of the last month for which it is issued.

D. The owner of any dog shall notify the Town Clerk of a change of address, ownership, death or loss of their licensed dog.

E. Upon the submission of a dog license application, all required documentation and payment of the required license fee, a Town of Jewett dog license identification tag will be provided to the owner of the dog. The identification tag must be affixed to a dog collar and worn by the dog at all times.

F. For those owners who fail to renew a dog license, the Town Clerk shall mail a late renewal fee invoice and warning that failure to renew the license, within a specified time, shall result in the issuance of a court appearance ticket. The late renewal of an expired dog license shall result in a fine of \$25.00.

G. Any dog harbored within the Town of Jewett which is owned by a resident of New York City and licensed by the City of New York, or which is owned by a non-resident of New York 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.

Section 6. LICENSING FEES

- A. License fee for spayed/neutered Dog: $\$13.00 + \text{NYS Surcharge } \$1.00 = \$14.00$
- B. License fee for un-spayed/un-neutered Dog: $\$22.00 + \text{NYS Surcharge } \$3.00 = \$25.00$
- C. License fee for spayed/neutered Pure Bred Dog: $\$13.00 + \text{NYS Surcharge } \$1.00 = \$14.00$
- D. License fee for unspayed/unneutered Pure Bred Dog: $\$22.00 + \text{NYS Surcharge } \$3.00 = \$25.00$
- E. Service Dogs, Police Work Dogs and War Dogs must be licensed, but are exempt from any fee.
- F. There shall be a fee in the amount of \$12 .00 for replacement tags.

Section 7. VIOLATIONS

- A. It shall be a violation, punishable as provided in subdivision C of this section, for:
 - (i) any owner to fail to license any dog;
 - (ii) any owner to fail to have any dog identified as required by this article;
 - (iii) any owner to fail to renew a dog license on or before the license expiration date;
 - (iv) any person to knowingly affix to any dog any false or improper identification tag;
 - (v) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose pursuant to this article;
 - (vi) any person to furnish any false or misleading information on any form required to be filed with the Town of Jewett pursuant to this local law;
- B. It shall be the duty of the Law Enforcement or Police Officer to bring an action against any person who has committed any violation set forth in this local law pursuant to the Penal Law of

the State of New York. Every Law Enforcement or Police Officer shall have the power to issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, to serve a summons and to serve and execute any other order or process in the execution of the provisions of this article. In addition, any Law Enforcement or Police Officer of the Town of Jewett may serve any process, including an appearance ticket, a uniform appearance ticket and a uniform appearance ticket and simplified information, related to any proceeding, whether criminal or civil in nature undertaken in accord with the provisions of this article or any local law or ordinance promulgated pursuant thereto.

- C. A violation of this section shall be punishable as follows:
- (i) by a fine of not less than fifty (\$50.00) dollars nor more than two hundred and fifty (\$250.00) dollars, except that
 - (ii) when the person was found to have violated any part of this section within the preceding five years, the fine may be not less than one hundred (\$100.00) dollars nor more than \$250.00 dollars, and
 - (iii) where the person was found to have committed two or more such violations of any part of this section within the preceding five years, the fine may be not less than one hundred and fifty (\$150.00) dollars nor more than four hundred (\$400.00) dollars.

Section 8. SEIZURE OF DOGS; REDEMPTION PERIODS; IMPOUNDMENT FEES

A. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Jewett shall seize:

- (i) any dog which is not identified and which is not on the owner's premises;
- (ii) any dog which is not licensed, whether on or off the owner's premises;
- (iii) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous;
- (iv) any dog found to be without vaccination for rabies; and
- (v) any dog which poses an immediate threat to the public safety.

B. Any dog control officer in the employ of or under contract to the Town of Jewett may seize any dog in violation of this local law or any other local law of the Town of Jewett relating to the control of dogs.

C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered for the redemption period as hereinafter provided.

D. Each dog which is not identified, whether or not licensed, shall be held for a period of at least five days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this local and further provided that the owner pays all impoundment fees equal to the amount which the Town shall incur in accordance with a contract or agreement with any Humane Society or equivalent entity and:

(i) the costs associated with the shelter, feeding, and care of the dog not less than \$10.00 per day, plus an impoundment fee of in the amount of \$30.00 dollars for the first impoundment of any dog owned by that person;

(ii) the costs associated with the shelter, feeding, and care of the dog not less than \$10.00 per day, plus an impoundment fee of \$60.00 dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or

(iii) the costs associated with the shelter, feeding, and care of the dog not less than \$10.00 for the first twenty-four hours or part thereof and \$90.00 for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

E. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. Such dog shall be held for a period of seven (7) days if notified personally or a period of nine (9) days after the date of mailing by certified mail of personal notice, during which period the dog may be redeemed by the owner. The owner may redeem such dog upon payment of the impoundment fees prescribed by in Section 8.D. (i-iii) of this local law and by producing proof that the dog has been duly licensed.

F. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption.

Section 9. PRESUMPTION

Establishment of the fact or facts that the owner of a dog failed to properly license and identify his/her dog as licensed shall be presumptive evidence that the owner or person harboring said dog is not in compliance with the provisions of this Local Law.

Section 10. INTERFERENCE WITH OFFICERS

Any person who shall interfere with or obstruct any animal control officer, police officer and any officer or agent of a duly incorporated society for the prevention of cruelty to animals shall be guilty of a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than one thousand (\$1,000.00) dollar or both.

Section 11. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.

Section 12. INCONSISTENT PRIOR LAWS

To the extent that the terms contained in any prior local laws currently in existence are inconsistent with the terms of this local law, the terms contained herein shall supersede the terms of such prior local laws. All other terms of such prior local laws shall continue in full force and effect.