

Local Law 5-2010

Section 1. Introduction and Purpose.

The New York State Legislature, by enacting Agriculture and Markets Law Article 7, Section 106, et seq. effective January 1, 2011, has eliminated the role of the State Department of Agriculture and Markets in dog licensing functions in the State of New York. Commencing on January 1, 2011, the procurement of dog tags, as well as the tracking and issuance of dog license renewals, shall be the responsibility of the Town of Sheldon, Wyoming County, New York (hereinafter "Town").

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 persons, property, domestic animals and deer from dog attack and damage.

Section 2. Application. (Ag & Markets Law §107)

This Local Law shall apply in the Town of Sheldon.

Section 3. Definitions. (Ag & Markets Law §108)

As used in this Local Law, unless otherwise expressly stated, the definitions for the following words and phrases shall be as set forth in the New York State Agriculture and Markets Law §108:

"Adoption", "Clerk", "Commissioner", "County" "Dangerous Dog" "Detection Dog", "Dog", "Dog Control Officer", "Domestic Animal", "Euthanize", "Guide Dog", "Harbor", "Hearing Dog", "Identification Tag" "Identified Dog", "Municipality", "Owner", "Owner of Record", "Person", "Person with a Disability", "Physical Injury", "Police Work Dog", "Recognized Registry Association", "Serious Physical Injury", "Service Dog", "Therapy Dog", "War Dog" and "Working Search Dog". "County" shall mean the County of Wyoming, New York.

Section 4. Licensing of Dogs Required; Rabies Vaccination Required. (Ag & Markets Law §109)

1. (a) The owner of any dog reaching the age of four (4) months shall immediately make application for a dog license to the Town Clerk. No license shall be required for any dog which is under the age of four (4) months and which is at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Except as otherwise provided in this subdivision, a license shall be issued or renewed for a period of at least one (1) year, provided, that if a rabies vaccination is due within thirty (30) days of application for a license, a new rabies

vaccination shall be required prior to the issuance of a license. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided in subdivision two of this section, a license shall be issued or renewed for a period of one (1) year from the date of said statement.

(b) In the case of a seized dog being redeemed or a dog being otherwise obtained from the County dog shelter or pound, any such dog shall be required to be licensed when being redeemed or adopted from the County shelter or pound, and such application shall be made to the Town Clerk.

(c) The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner. Municipalities may also require additional information on such application as deemed appropriate.

(d) The application shall be accompanied by the applicable license fee and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision two of this section. In the case of a spayed or neutered dog, every application shall also be accompanied by 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 Clerk. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he 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 according to the fees provided in Section 5 herein.

(e) Upon validation by the Town Clerk, the application shall become a license for the dog described therein.

(f) The Town Clerk shall: (i) provide a copy of the license to the owner; (ii) retain a record of the license that shall be made available upon request to the commissioner for purposes of rabies and other animal disease control efforts and actions.

(g) 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.

2. The Clerk, at the time of issuing any license pursuant to this Local Law, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or another

reason, the life of the dog or dogs would be endangered by the administration of vaccine. The Clerk shall make or cause to be made from such statement a record of such information and shall file such record with a copy of the license. Such records shall be made available to the commissioner upon request for rabies and other animal disease control efforts.

Section 5. License Fees. (Ag & Markets Law §110)

1. The license fee for dog licenses issued pursuant to Section 4(1) of this Local Law shall be determined by the Town, and the total fee for an unspayed/unaltered or unneutered/unaltered dog shall be at least five dollars more than the total fee for a spayed or neutered dog. All revenue derived from such fees shall be the sole property of the Town and shall be used only for controlling dogs and enforcing this Local Law and any rule, regulation, or Local Law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under Agriculture and Markets Law Article 7 used therefor, and subsidizing public humane education programs in responsible dog ownership.

2. The Town of Sheldon license fee schedule shall be as follows. The fees set forth include the mandatory New York State Animal Population Control Fund surcharge of \$1.00 for altered or neutered dogs and \$3.00 for unspayed or unaltered dogs.

FEE SCHEDULE

Altered or Neutered Dogs	\$9.00 per dog per year
Unspayed or Unaltered Dogs	\$18.00 per dog per year
Replacement Tags	\$3.00 each

(a) There shall be a late fee assessed of \$5.00 for any dog license not renewed within thirty (30) days of the expiration date as required by Section 4 of this Local Law.

(b) The fee schedule set forth herein may be changed at any time by Resolution of the Town Board.

3. In the case of a dog's death, the owner of record shall so notify the Town either prior to renewal of licensure or upon the time of such renewal as set forth by the Town.

Section 8. Dog Control Officers. (Ag & Markets Law §113)

1. The Town may appoint one or more Dog Control Officers for the purpose of assisting with the control of dogs and the enforcement of this Local Law by Resolution.

2. In lieu of or in addition to the appointment of a Dog Control Officer or Officers, the Town may contract for Dog Control Officer services with any other municipality or with any incorporated humane society or similar incorporated dog protective association, or shall appoint, jointly with one or more other municipalities, one or more Dog Control Officers having jurisdiction in each of the cooperating municipalities.

(a) Notwithstanding the foregoing, the Town shall appoint an enumerator for the purpose of identifying and enumerating dogs located in the Town on a bi-annual basis.

3. Any Dog Control Officer, if the Town elects to appoint same, 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 Local Law. In addition, any Dog Control Officer or any peace officer, when acting pursuant to his special duties, or police officer, who is authorized by a municipality to assist in the enforcement of this Local Law 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 Local Law or any Local Law or ordinance promulgated pursuant thereto.

4. Every Dog Control Officer, peace officer, when acting pursuant to his special duties or police officer may promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, the location where seized, the reason for seizure, and the owner's name and address, if known.

5. Every Dog Control Officer may file and maintain such records for not less than three (3) years following the creation of such record, and shall make such reports available to the commissioner upon request.

6. The Town may, either individually or in cooperation with other municipal entities, require its Dog Control Officer or Animal Control Officer or any other authorized agent to ascertain and list the names of all persons in the Town owning or harboring dogs, or in lieu thereof, the Town may contract to have the same done.

Section 9. Pounds and Shelters. (Ag & Markets Law §114)

The Town shall enter into an agreement with the County of Wyoming for dog pound or shelter services as required under the relevant sections of Article 7 of the Agriculture and Markets Law.

Section 10. Funds Expended by the Town for Services. (Ag & Markets Law §115)

The Town shall not be required to expend in any calendar year for Dog Control Officer and pound or shelter services undertaken pursuant to this Local Law, an amount of money greater than it receives during such year pursuant to this Local Law and any Local Law or ordinance enacted pursuant thereto.

Section 11. Seizure of Dogs; Redemption Periods; Impoundment Fees; Adoption. (Ag & Markets Law §117)

1. The Town may enter into a contract with the County for dog pound or shelter services, and said contract shall also include, but not be limited to, the seizure of dogs, the period of impoundment and adoption of dogs from the pound; all as contemplated by Article 7 of the Agriculture and Markets Law.

2. The powers and duties of any Town appointed Dog Control Officer or peace officer or police officer in the employ of or under contract to the Town shall be as set forth in Article 7 of the Agriculture and Markets Law.

3. The owner of any dog impounded by a Town Dog Control Officer or the County Dog Control Officer shall pay a fee of \$20.00 for the first impoundment, \$60.00 for the second impoundment and \$100.00 for the third and any additional impoundments directly to the owner and custodian of the animal shelter or dog pound having possession and custody of the dog.

(a) The Town may amend or change the impoundment fees set forth herein by Resolution.

(b) The owner of any dog impounded by the Town or County shall be entitled to redeem said dog consistent with the provisions of Agriculture and Markets Law Article 7 Section 117.

4. All impoundment fees shall be the property of the dog shelter or dog pound housing such dog, and such fees may only be used consistent purposes of Agriculture and Markets Law Article 7.

Section 12. Violations. (Ag & Markets Law §118)

1. A violation of this Local Law shall be punishable as provided in Agriculture and Markets Law Section 118. A violation of this section shall be at the election of the Town or the County Animal Control Officer prosecuted as a violation of the Penal Law or, in a civil action, to recover a penalty.

2. A violation of this section shall be punishable, subject to such an election, either:

(a) where prosecuted pursuant to the Penal Law, by a fine of not less than seventy-five dollars (\$75.00) or imprisonment for not more than ten (10) days, or both; or

(b) where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than two hundred fifty dollars (\$250.00).

Section 13. Disposition of Fines. (Ag & Markets Law §119)

Notwithstanding any other provision of law and subject to any applicable provisions of the Town's contract with the County, all moneys collected as fines or penalties by the Town as a result of any prosecution for violations of the provisions of this Local Law or any Local Law or ordinance and all bail forfeitures by persons charged with such violations shall be the property of the Town and shall be paid to the financial officer of the Town. Such moneys shall be used only for controlling dogs and enforcing this Local Law and any rule, regulation, or Local Law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs and any facility as authorized under Agriculture and Markets Law Article 7 used therefor, and subsidizing public humane education programs in responsible dog ownership.

Section 14. Protection of Deer (Ag & Markets Law §120); Night Quarantine (Ag & Markets Law §121); Dangerous Dogs (Ag & Markets Law § 123) and Exemption from Civil Liability (Ag & Markets Law §123-a)

The relevant provisions of the Agriculture and Markets Law Article 7 shall govern the above referenced matters.

Section 15. Agriculture and Markets Law Article 7.

All matters relating to dogs not inconsistent with the terms of this Local Law shall be governed by the appropriate section of Agriculture and Markets Law Article 7.

Section 16. Effective Date.

This Local Law shall become effective upon the filing with the New York State Department of State, but not earlier than January 1, 2011.