

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of NEW LISBON

Local Law No. 1 of the year 2010

A local law DOG CONTROL AND DOG LICENSING LAW OF THE TOWN OF NEW LISBON
(Insert Title)

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

County City Town Village
(Select one.)

of NEW LISBON as follows:

SECTION 1. Purpose. The Town Board of the Town of New Lisbon finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have caused physical harm to persons, damage to property and have created nuisances within the Town. The purpose of this local law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town and to provide for the licensing and identification of dogs.

SECTION 2. Authority. This local law is enacted pursuant to the provisions of Article Seven of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

SECTION 3. Title. The title of this law shall be "Dog Control and Dog Licensing Law of the Town of New Lisbon".

SECTION 4. Definition of Terms. As used in this local law, the following words shall have the following respective meanings:

- (a) Dog means male and female, licensed and unlicensed, members of the species Canis Familiaris.

- (b) Owner means person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. 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 from within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this local law, shall be held and deemed to be the owner of such dog for the purpose of this local law. In the event the owner of any dog found to be in violation of this chapter shall be under eighteen years of age, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and violation of this local law.
- (c) Run at large means to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.
- (d) Town means the Town of New Lisbon.
- (e) Dog Warden means a Dog Control Officer on or after October 1, 1984.

SECTION 5. Dog Licensing Requirements. All dogs over four months in age are required to be licensed, except guide dogs and other service dogs, which are exempt from licensing. Any dog harbored within the Town of New Lisbon which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty days be exempt from the licensing and identification provisions of this local law. All dogs will be licensed by the New Lisbon Town Clerk. A license will be valid for the period of one year and shall not be transferable. A valid rabies shot certificate and a spaying or neutering certificate are required for licensing.

SECTION 6. Dog License fees.

The Town Board of the Town of New Lisbon has established the following dog license fees for a one year license:

- (a). A dog license for a spayed or neutered dog will be \$7.00.
- (b). A dog license for an unspayed or unneutered dog will be \$12.00
- (c). A dog license for a spayed or neutered dog will be assessed a \$1.00 surcharge for the NYS Animal Population Control Fund.
- (d). A dog license for an unspayed or unneutered dog will be assessed a \$3.00 surcharge for the NYS Animal Population Control Fund.
- (e). A purebred license for one to ten dogs will be \$50.00, for eleven to twenty-five dogs will be \$75.00 and for twenty-six dogs and up will be \$125.00.
- (f). Purebred licenses will also be assessed the surcharge of \$1.00 per altered dog and \$3.00 per unaltered dog for the NYS Animal Population Control Fund.
- (g). Any dog which is licensed as a result of a dog enumeration will be assessed a one-time surcharge of \$5.00.
- (h). The cost for a replacement tag will be \$1.00.

All licensing fees collected will be used by the Town of New Lisbon for dog licensing expenses, dog control expenses and dog shelter expenses, except for the surcharges collected for the NYS Animal Population Control Fund, which will be sent to the State or County entity that is selected to administer these funds.

SECTION 7. Purebred License. The owner of purebred dogs, registered by a recognized registry association may purchase a blanket purebred license to cover all of their dogs. Each dog must be listed on the license with its registration number, registry name, sex, breed and rabies vaccine information. Registry papers and rabies certificates must be presented to the Town Clerk to review. No tags will be issued for a purebred license. The fee for a purebred license will be based on the number of dogs listed and shall be valid for a period of one year.

SECTION 8. Dog identification. The Town shall provide a dog identification tag for each individual dog license issued. The tag will state Town of New Lisbon, New York and include a municipal contact phone number and a license number. No tags will be issued for purebred licenses or exempt dogs. All dogs are required to wear their identification tag, except dogs participating in a dog show are exempt from wearing their identification tag during such participation.

SECTION 9. Restrictions. It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full and immediate control of such owner or person. For the purpose of the local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owners.
- (b) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner thereof.
- (c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.
- (d) Bite, chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles, or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.
- (g) If a female dog when in heat, be off the owner's premises unrestrained by a leash.
- (h) Kill or injure any dog, cat or other household pet.
- (i) Be unlicensed when four months of age or older.

SECTION 10. Fees For Seizure of Dogs. The fee for seizure and impoundment of dogs in violation of Article 7 of the Agriculture and Markets Law and of Section 9 of the local law are as follows:

- (a) The dog control officer or peace officer shall seize (1) any unlicensed dog whether on or off the owner's premises, (2) any dog not wearing a tag, and after October 1, 1984, not identified, and which is not on the owner's premises and (3) any dog found in violation of Section 9 of this local law. Such seized dog shall be kept and disposed of in accordance with provisions of Article 7 of the Agriculture and Markets Law and shall not be redeemed or released unless and until such dog is properly licensed and payment is made for seizure, board and housing of such dog. The dog control officer or peace officer shall also investigate and report to a Town Justice of the Town any dangerous dog as described in Article 7 of the Agriculture and Markets Law, and see that the order of the Town Justice in such case is carried out.
- (b) The dog control officer or peace officer, having reasonable cause to believe that a violation of this local law has been committed in his presence, shall issue and serve an appearance ticket which shall be in the form prescribed by this Board by resolution in accordance with the provisions of the Agriculture and Markets Law and this local law. An answer to such appearance ticket shall be made within five days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance ticket in accordance with the provisions of the Agriculture and Markets Law and this local law.
- (c) Any person who observes a dog in violation of this local law may file a complaint under oath with a Town Justice of the Town, or with an authorized Dog Control Officer or any peace officer, specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this law.
- (d) Any person whose dog is seized will pay an impoundment fee in the amount of \$25.00 for the first impoundment and will pay any emergency medical fees and all boarding fees at the rate set annually in the Town's shelter contract.
- (e) Any person whose dog is seized will pay an impoundment fee in the amount of \$25.00 for the second impoundment plus a \$3.00 fee for each additional twenty-four hour period and will pay any emergency medical fees and all boarding fees at the rate set annually in the Town's shelter contract.
- (f) Any person whose dog is seized will pay an impoundment fee in the amount of \$30.00 for the third and each subsequent impoundment plus a \$3.00 fee for each additional twenty-four hour period and will pay any emergency medical fees and all boarding fees at the rate set annually in the Town's shelter contract.

SECTION 11. Penalties. Any person convicted of a violation of this law shall be liable to a civil penalty not exceeding \$25.00 for a first violation, from \$50.00 to \$75.00 for a second violation and from \$100.00 to \$150.00 for subsequent violations.

SECTION 12. 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 13. Repealer. This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of New Lisbon and relative to fees for licensing dogs within the Town of New Lisbon and they shall be upon the effectiveness of this local law, null and void.

SECTION 14. Effective Date. This local law shall take effect January 1, 2011 and will be filed with the New York State Secretary of State.