

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 of LIVINGSTON  
Town  
Village

Local Law No. 2 of the year 2010

A local law DOG CONTROL LAW OF THE TOWN OF YORK  
(Insert Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

County  
City of YORK  
Town  
Village as follows:

" SEE ATTACHED DOCUMENTATION"

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

## LOCAL LAW #2 OF 2010

### A LOCAL LAW FOR THE TOWN ENTITLED, "DOG CONTROL LAW OF THE TOWN OF YORK" TO PROVIDE FOR PROCEDURES TO BE FOLLOWED IN RELATION TO THE LICENSING OF DOGS

BE IT ENACTED by the Town Board of the Town of York, Livingston County New York, as follows:

#### **SECTION 1. Purpose.**

On June 22, 2010, Governor David Paterson signed a measure into law as part of the 2010/2011 State Budget. The measure eliminates the existing roles of the New York State Department of Agriculture and Markets and County government in the licensing of dogs and moves the remainder of the dog licensing function required by Article 7 of the Agriculture and Markets Law to the level of local government.

Part T of Chapter 59 of the Laws of 2010 provides for the elimination of NYSDAM's dog licensing functions, including the agency's centralized Dog Licensing System. Part T repeals a significant portion of state level mandates in terms of licensing fees, exemptions, enumeration fee caps and penalties. Legislative action by the York Town Board is necessary to determine local fees and other policies prior to January 1, 2011. Without such action, the Town of York would not be able to ensure the continuity of revenue used to pay for local licensing function.

Because the Town Board of the Town of York recognizes that certain adjustments to its regulations must be made from time to time in order to preserve the health and safety of its residents, the Town Board finds that it is in the best interest of the Town of York to enact Local Law #2 of 2010, "Dog Control Law of the Town of York".

#### **SECTION 2. Authority.**

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended.

#### **SECTION 3. Title.**

The Title of this Law shall be "Dog Control Law of the Town of York."

**SECTION 4. Definitions.**

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

TOWN- The Town of York.

ADOPT – The delivery to any natural person 18 years of age or older, for the limited purpose of harboring a pet, of any dog seized or surrendered, from an animal shelter.

ANIMAL/DOG CONTROL OFFICER – Any individual appointed by the Town Board to assist in the enforcement of this article.

CLERK – The Town Clerk, or Deputy Town Clerk, of the Town of York, by whom licenses are to be validated or issued.

DETECTION DOG – Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG – Any member of the species canis familiaris.

GUIDE DOG - Any dog that is trained to aid a person who is blind and that is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR – To provide food or shelter to any dog.

HEARING DOG - Any dog that is trained to aid a person with a hearing impairment and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

IDENTIFICATION TAG – A tag which sets forth an identification number, as required by the provisions set forth in this article.

OWNER – Any person who harbors or keeps any dog.

PERSON WITH DISABILITY – Any person with a disability as that term is defined in Subdivision 22 of §292 of the New York State Executive Law.

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

**SERVICE DOG** – 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.

**THERAPY DOG** - Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose..

**WAR DOG** – Any dog which has been honorable discharged from the United States armed services.

**WORKING SEARCH DOG** – Any dog that is trained to aid in the search for missing persons and that is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

**SECTION 5. Dog licensing requirements and procedures.**

**A. Licensing of Dogs:**

- (1) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.
- (2) Application for a dog license shall be made to the Clerk.
- (3) The application shall state the sex, actual or approximate year of birth, breed, color(s), and official identification number of the dog, and other identification markers, if any, and the name, address, telephone number, county and town of residence of owner.
- (4) The application shall be accompanied by a license fee and a valid certificate of rabies vaccination or statement in lieu thereof. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.
- (5) The fees for a dog license shall be set forth by resolution of the Town Board.
  - (a) Please contact the Town Clerk’s office for the current dog license fees.
  - (b) There shall be no fee charged for the license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog or working search dog.

- (6) Upon validation by the Clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
  - (7) The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format. If license is renewed through the mail, a self-addressed stamped envelope shall be included for receipt of license.
  - (8) 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. The original issued identification tag shall remain the same for the life of the dog.
  - (9) The Town does not allow the licensing of dogs by a shelter. Residents of the Town who would like to adopt a dog from a shelter must obtain a license from the Town Clerk first. The shelter **MUST** send the adoptive dog owners to the Town Clerk of the Town in which the dog will be harbored for licensing.
- B. Purebred licenses. There will not be distinct purebred licenses as previously provided for by the state. The Town of York will **not** be issuing Purebred Licenses. All dogs will be licensed individually as per fee system on file at the Town Clerk's office.
- C. Rabies vaccination. The Clerk, at the time of issuing any license pursuant to this article, 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 age or other 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 file such record with a copy of the license.
- D. Enumeration. In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

#### **SECTION 6. 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 accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Article, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

- B. Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort of any person other than the owner of such dog.
- C. Habitually chase motor vehicles, bicycles, horseback riders, pedestrians or persons moving by human or animal powered devices such as skateboards, roller blades, carriages, sleds, wagons or skis.
- D. All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended, or unrestrained by a leash.

**SECTION 7. Identification of dogs.**

- A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.
- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. **Any replacement tag shall be obtained by the owner at his expense.**
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

**SECTION 8. Change of ownership, lost or stolen dogs.**

- A. In the event of a change in ownership of any dog that has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, notify the Clerk.
- B. If any dog that has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, notify the Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Clerk, either prior to renewal of license or upon the time of such renewal.

**SECTION 9. Penalties for offenses.**

- A. It shall be a violation, punishable as provided in Subsection B of this section, for:
- (1) Any owner to fail to license a dog.
  - (2) Any owner to fail to have any dog identified as required by this article.
  - (3) Any person to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs.
- B. Violations of this article shall be subject to a fine, which shall not be less than \$25, except that:
- (1) Where the person was found to have violated this article within the preceding five years, the fine shall not be less than \$50; and
  - (2) Where the person was found to have committed two or more violations of this article within the preceding five years, the fine shall not be less than \$100.

**SECTION 10. Severability.**

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 11. Effective Date.**

This Local Law shall take effect January 1, 2011, after filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 10 of the (County)(City)(Town)(Village) of YORK was duly passed by the YORK TOWN BOARD on Dec. 2 20 10, and was (approved)(not approved) (repassed after disapproval) by the Deputy Supervisor and was deemed duly adopted on Dec. 2 20 10, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)  
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

*Ch Harris*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: December 3, 2010

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Livingston

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Ronald A. Anzio*

Signature

Town Attorney

Title

County

City of YORK

Town

Village

Date: December 3, 2010