

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 Fenner _____

~~Town~~
~~Village~~

Local Law No. _____ of the year 2010

A local law requiring the licensing of dogs pursuant to Article 7 of the Agriculture and Markets Law
(Insert Title)

Be it enacted by the _____ Town Board _____ of the

~~County~~
~~City~~

of Fenner _____ as follows:

~~Town~~
~~Village~~

Article I. Purpose.

The purpose of this local law is to provide for the identification and licensing of dogs, so as to aid in the control and protection of the dog population and the protection of persons, property and domestic animals within the Town of Fenner.

Article II. Application

This local law shall apply to all areas of the Town of Fenner and to all dogs harbored within the Town of Fenner.

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

Article III. Definitions

- 1) “Adoption” means the delivery to any natural person eighteen years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.
- 2) “Clerk” means the town clerk of the Town of Fenner.
- 3) “Dog” means any member of the species *canis familiaris*.
- 4) “Dog Control Officer” means any individual appointed by the Town Board of the Town of Fenner to assist in the enforcement of this local law and/or Article 7 of the New York State Agriculture and Markets Law, or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Fenner to assist in the enforcement of this local law.
- 5) “Guide Dog” means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the state during the period such dog is being trained or bred for such purpose.
- 6) “Harbor” means to provide food and/or shelter to any dog.
- 7) “Identification tag” means a tag issued by the Town of Fenner which sets forth an official identification number, together with the words “Town of Fenner” and “State of New York”, the telephone number for the Town Clerk of the Town of Fenner, and any other information as may be required by the provisions of this local law.
- 8) “Identified dog” means any dog carrying an identification tag as provided in this local law.
- 9) “Official identification number” means a series or combination of letters, numbers and/or symbols approved and furnished by the Town of Fenner.
- 10) “Owner” means any person who keeps or harbors any dog.

- 11) “Owner of record” means the person in whose name any dog was last licensed pursuant to this local law and/or Article 7 of the New York State Agriculture and Markets Law, except that if any license is issued upon 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.
- 12) “Person” means any individual, corporation, partnership, association or other organized group of persons, or other legal entity.
- 13) “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.
- 14) “Recognized registry association” means any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of Agriculture and Markets.
- 15) “War dog” means any dog which has been honorably discharged from the United States armed services.
- 16) “Hearing dog” means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.
- 17) “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.
- 18) “Person with a disability” means any person with a disability as that term is defined in subdivision twenty-one of section two hundred ninety-two of the NYS Executive Law.
- 19) “Working search dog” means any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the Department of Agriculture and Markets; provided, however, that such services provided by said dog shall be performed without charge or fee.

- 20) “Therapy dog” means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.
- 21) “Detection dog” means any dog that is trained and is actually used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband, or any dog undergoing training for such purposes.

Article IV. Licensing of dogs; rabies vaccination requirement.

Section 4.01 Licensing of dogs

- (a) Except as otherwise specifically provided in this local law or in Article 7 of the NYS Agriculture and Markets Law, all dogs at large, and all dogs four months of age or older shall be licensed in accordance with the provisions of this local law.
- (b) All applications for a dog license shall be made to the Fenner Town Clerk.
- (c) The application shall state the sex, actual or approximate age, breed, color, and official identification number of the dog, and other identification marks, if any, and the name, address and telephone number of the owner.

- (d) The application shall be accompanied by the license application fee, any applicable license surcharges, and any such additional fees as may be established from time to time by resolution of the Fenner Town Board. Each license application shall be accompanied by a certificate of rabies vaccination or a statement from a licensed veterinarian in lieu thereof that such vaccination would endanger the dog's life. 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 the same as for a spayed or neutered dog as set forth in this local law.
- (e) Upon validation by the Town Clerk, the application shall become a license for the dog described therein. Each license issued shall be valid for a period of one year from the date of issuance. Once an application has been validated, no refund shall be made of the fees paid therefore, or any portion thereof.
- (f) The Town Clerk shall provide a copy of the license to the owner and retain a permanent record of the license and all documentation supporting the issuance of the license. If the application for a dog license (or renewal) is made by mail and the owner requests a validated copy, the owner shall provide a stamped, self-addressed envelope for that purpose.
- (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.

Section 4.02 Purebred license

- (a) The owner of one or more purebred dogs registered by a recognized registry association may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this local law. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

- (b) Such application shall be made to the Town Clerk. Each purebred license application shall be accompanied by a certificate of rabies vaccination for each dog listed in the application, or a statement from a licensed veterinarian in lieu thereof that such vaccination would endanger the life of the dog or dogs.
- (c) The application shall state the name, address and telephone number of the owner; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises, and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.
- (d) The application shall be accompanied by the license application fee, any applicable license surcharges, and any such additional fees as may be established from time to time by resolution of the Fenner Town Board.
- (e) Upon receipt of the foregoing items, the clerk shall assign a license number, which shall be reserved for the sole use of the named owner, shall issue a purebred license and shall provide a copy of the purebred license to the owner. Once a purebred license has been issued, no refund of any fees paid upon the application therefor shall be made.
- (f) No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such individual dog shall become subject to the licensing provisions of this local law.

Section 4.03 Relocation / Relicensing

- (a) The owner of any dog currently licensed in another municipality who relocates his place of residence to the Town of Fenner shall apply for and obtain a Town of Fenner dog license for each dog owned.
- (b) Any dog adopted from an incorporated humane society or similar incorporated dog protective association must be licensed in the Town of Fenner prior to being released from said shelter.

Article V. License Fees

Section 5.01

A fee schedule for all license fees and other fees to be charged and collected pursuant to this local law shall be established by resolution of the Fenner Town Board. Such fee schedule may thereafter be amended from time to time by further resolution of the Town Board. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected prior to the issuance of the license for which the fees are due.

Section 5.02

All fees established by the Town Board shall be in accordance with the following limitations:

(a) The application fee for an unspayed or unneutered dog shall be at least five dollars more than the application fee for a spayed or neutered dog.

(b) A surcharge fee in an amount not less than one dollar for spayed and neutered dogs, and not less than three dollars for unspayed or unneutered dogs, for the purpose of supporting animal population control efforts.

(c) A surcharge fee in an amount not less than three dollars shall be imposed upon each purebred license for the purpose of supporting animal population control efforts.

(d) A surcharge fee in an amount not less than five dollars shall be imposed upon a dog or purebred license for a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the NYS Agriculture and Markets Law.

Section 5.03

There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog. Each license for any such dog shall be conspicuously marked by the clerk, "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as applicable.

Article VI. Disposition of license fees and fines.

Except as otherwise provided in Article 7 of the NYS Agriculture and Markets Law, and or under any other provision of this local law, all fees, fines and/or penalties collected upon the application for a license and/or the prosecution of any violation of this local law shall be the property of the Town of Fenner and shall be paid to the Town Supervisor.

Article VII. Identification of dogs

Section 7.01

Each dog licensed pursuant this local law shall be assigned, at the time the dog is first licensed, a permanent official identification number. 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. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.

Section 7.02

At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of Fenner dog tag be lost, a new tag will be issued upon payment of the fee prescribed by resolution of the Town Board.

Section 7.03

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 7.04

The holder of a purebred license may procure, at his expense, any number of tags imprinted with the same number as the purebred license. One such tag shall be affixed to the collar of each dog harbored pursuant to the purebred license at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation. Such a tag shall be affixed only to the collar of a dog owned by the holder of the purebred license and harbored on his premises.

Section 7.05

The size, shape and form of imprints on identification tags and purebred license tags shall be prescribed by the Town Board, and any tag bearing an imprint other than that prescribed shall not constitute valid identification for the purposes of this local law.

Article VIII. Change of ownership; lost or stolen dog

Section 8.01

In the event of a change in the ownership of any dog which has been assigned an official Town of Fenner identification number or change in the address of the owner of record any such dog, the owner of record shall, within ten days of such change, file with the Town Clerk a written report of such change. Such owner of record shall be liable for a violation of this section until such filing is made, or until the dog is licensed in the name of the new owner.

Section 8.02

If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, file with the Town Clerk, a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of section 8.01 of this local law, and/or of any violation Article 7 of the New York State Agriculture and Markets Law of committed after such report is filed.

Section 8.03

In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in this local law. Failure to notify the Town Clerk of the death of a dog as so required herein shall constitute a violation and the owner of record shall be liable for such violation.

Article IX. Violations

Section 9.01

It shall be a violation, punishable as provided in section 9.02 of this local law, for;

- (a) Any owner to fail to license any dog;
- (b) Any owner to fail to have any dog identified as required by this local law;
- (c) Any person to knowingly affix to any dog any false or improper identification tag;
- (d) Any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose required pursuant to this local law and/or Article 7 of the New York State Agriculture and Markets Law ;
- (e) Any person to furnish any false or misleading information on any form required to be filed with the Town of Fenner pursuant to this local law and/or Article 7 of the New York State Agriculture and Markets Law;
- (f) The owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog.
- (g) The owner of a dog to fail to notify the Town Clerk of any change of ownership or address as required by this local law.

Section 9.02

It shall be the duty of the dog control officer of the Town of Fenner to prosecute an action or proceeding against any person who has committed within the Town of Fenner any violation of this local law and/or Article 7 of the New York State Agriculture and Markets Law. The dog control officer may elect either to prosecute such action as a violation under the penal law or as a civil action to recover a civil penalty. A violation of this section shall be punishable, subject to such an election, either:

- (a) By a fine or penalty of not less than twenty-five dollars, and not more than two hundred fifty dollars, except that
 - (i) Where the person was found to have violated this section and/or Article 7 of the New York State Agriculture and Markets Law within the preceding five years, the fine may be not less than fifty dollars, and
 - (ii) Where the person was found to have committed two or more such violations within the preceding five years, the subsequent violation shall be punishable by a fine of not less than one hundred dollars or imprisonment for not more than fifteen days, or both.
- (b) A defendant charged with a violation of any provision of this local law may plead guilty to the charge in open court. He may also submit to the magistrate having jurisdiction, in person, by duly authorized agent, or by mail, a statement:
 - (i) That he waives arraignment in open court and the aid of counsel,
 - (ii) That he pleads guilty to the offense charged,
 - (iii) That he elects and requests that the charge be disposed of and the fine or penalty fixed by the court,
 - (iv) Of any explanation that he desires to make concerning the offense charged, and

- (v) That he makes all statements under penalty of perjury. Thereupon the magistrate may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full. If upon receipt of the aforesaid statement, the magistrate shall deny the same, he shall thereupon notify the defendant of this fact, and that he is required to appear before the said magistrate at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

- (c) Each day that a person is in violation of any provision of this local law shall constitute a separate offense, with each such offense being subject to the fines and penalties set forth herein.

Article X. Effective Date

This local law shall take effect immediately upon its filing in the office of 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 2010 of the
(~~County~~)(City)(Town)(~~Village~~) of Fenner was duly passed by the
Town Board on _____ 2010, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

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. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20__, and was (approved)(not approved
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

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
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(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 elector 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
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)
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.

• 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 electors of 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 such 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 __1__, above.

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

(Seal)

Date: _____

(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 MADISON

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.

Signature

Attorney for the Town
Title

~~County~~
~~City~~ of _____ Fenner
Town
~~Village~~

Date: _____