

PROPOSED LOCAL LAW #1 FOR THE YEAR 2014

LICENSING & CONTROL OF DOGS IN THE TOWN OF TAYLOR

Section 1. Title. The title of this Local Law shall be, "Licensing and Control of Dogs in the Town of Taylor".

Section 2. Authority. This Local Law is adopted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York.

Section 3. Purpose. 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, and other animals from dog attack and damage.

Section 4. Application.

1. This Local Law shall apply to all areas of the Town of Taylor.
2. In the event that any dog owned by a non-resident of the Town of Taylor is harbored within the Town for a period of 30 days or less such dog shall be exempt from the identification and licensing provisions of this Local Law.
3. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined to an animal shelter devoted to the impounding and caring of animals.

Section 5. Definitions. As used in this Local Law, the following words shall have the following respective meanings.

1. "Altered" shall refer to a dog that has been spayed or neutered.
2. "At large" means an unleashed dog not under control of the owner and off the premises of the owner.
3. "Companion animal" means any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" shall not include a "domestic animal" as defined in this Section.
4. "Dangerous dog" means any dog which
 - a. Without justification attacks a person, companion animal, farm animal, or domestic animal as defined in this Section and causes physical injury or death, or
 - b. Behaves in a manner which reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals.
 - c. "Dangerous dog" does not include a "Police Work Dog", while being used to assist one or more law enforcement officers in the performance of their official duties.

5. "Domestic animal" means any domesticated sheep, horse, cattle, fallow, deer, red deer, sika deer, or whitetail deer which is raised under license from the New York State Department of Environmental Conservation (NYSDEC), llama, alpaca, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised under license from NYSDEC before release from captivity.
6. "Harbor" means to provide food or shelter to any dog.
7. "Owner" means any person who harbors or keeps a dog. If a dog is not licensed, the term of "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 animal which is kept, brought, or comes within the Town. In the event any dog found to be in violation of this Local Law shall be owned by a minor (under 18 years of age), the head of the household in which said minor resided shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog and violation of this Local Law.
8. "Owner of record" means the person purchasing the license or in whose name any dog was last licensed. An owner of record shall be 18 years of age or older.

Section 6. Licensing.

1. Application for Original License.
 - a. The owner of any dog harbored in the Town of Taylor reaching the age of four months shall immediately make application to the Town Clerk for a dog license on a form provided by the Town Clerk's Office. No license shall be required for any dog which is under the age of four months and which is not at large.
 - b. The Town of Taylor authorizes the Country Acres Animal Shelter and/or the Cortland County SPCA, acting by its manager to provide, accept and grant an application for a dog license made by a resident of the Town of Taylor at the time of the adoption from the shelter provided that such application is made in accordance with Section 6 of this Local Law and the license fee, any additional fee or surcharge, be submitted to the Town Clerk of the Town of Taylor on or before the third day of the month following the month in which the license fee and any additional fee or surcharge was received.
2. Rabies Vaccination Required.

All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian that a dog is too young to be vaccinated, or because of old age or another reason the life of the dog would be endangered by the administration of the vaccine. In the case of a dog being redeemed or adopted from an animal shelter, a copy of the rabies vaccination certificate must be forwarded to the Town Clerk. Such records shall be kept on file by the Town Clerk and can be made available upon request for rabies and other animal disease control efforts.
3. Spay/Neuter Certificate.

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 (altered). In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he/she 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.

4. Expiration of License.

An original license shall be issued with a common expiration date of August 31 of the year in which license is issued. Any new dog licensed within January through June will receive the license prorated 50% for the remainder of that licensing year, August 31.

5. License Renewal.

- a. License renewal forms shall be mailed by the Town Clerk.
- b. A new rabies certificate shall be required if the one on file has expired or expires within the 11 months following the date of renewal.
- c. A spay/neuter certificate shall not be required if one is already on file with the Town Clerk. In a case where the dog has been spayed or neutered during the preceding year, the certificate shall be presented to the Town Clerk in order to receive the reduced fee for an altered dog.
- d. All dog licenses expire August 31 of said year. New dogs licensed shall be prorated according to Section 6, Subdivision 4.

6. License fees

- a. All applications for an original license or renewal shall be accompanied by a fee established by resolution of the Taylor Board. The total fee for unsprayed/unneutered dogs shall be at least five dollars (\$5.00) more than the total fee for a spayed/neutered dog.
- b. License fees are to be used only for controlling dogs and enforcing this Local Law and Article 7 of the Agriculture and Markets Law of the State of New York.
- c. In addition to the license fee, dogs identified as unlicensed during an enumeration shall be charged an additional fee, to be established by resolution of the Taylor Town Board, to pay the expenses incurred while conducting the enumeration.
- d. In addition to the fees set by the Town Board, an assessment of \$1.00 for each spayed/neutered dog and \$3.00 for each unsprayed/unneutered dog shall be charged for the purpose of carrying out population controls efforts as mandated by Article 7 of the Agriculture and Markets Law of the State of New York. Those fees shall be paid by the Town Clerk to a fund established for the particular purpose of spaying and neutering both dogs and cats in Cortland County pursuant to Article 7 of the Agriculture and Markets Law.
- e. Exempted from the payment of the license fees are applications with the appropriate documentation submitted for a dog license of any guide, hearing, service, war, working search, detection, police and therapy dogs.

- f. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
7. Identification of Dogs.
- a. When a dog is originally licensed, A Town of Taylor identification number shall be assigned and an identification tag shall be issued which shall be worn by the dog at all times.
 - b. Existing New York State dog licenses being renewed or transferred in from another municipality shall be assigned a Town of Taylor identification number and an identification tag shall be issued. Previous license tags shall be surrendered to the Taylor Town Clerk.
 - c. Lost tags shall be replaced at the expense of the owner at a fee set by Taylor Town Board.
8. Owner Responsibilities.
- The owner shall be responsible for notifying the Town Clerk's Office of any change of address, change of ownership, or for a lost, stolen or deceased dog within ten days of the change. Failure to notify the Office of such changes shall constitute a violation of this Local Law.
9. Purebred Licenses.
- a. The owner of two or more purebred dogs registered by a nationally recognized registry association may make an application to the Town Clerk for a purebred license in lieu of the individual licenses required by Subdivision 1 of this Section.
 - b. All dogs over four months of age must be listed and included in the purebred license.
 - c. Application for a purebred license shall be on a form provided by the Town Clerk and shall include rabies vaccination certification as specified in Part 2 of the Section for every dog listed on the license. Certification for any spayed/neutered dog shall be included as specified in Part 3 of this Section.
 - d. Fees for purebred licenses shall be determined by resolution of the Taylor Town Board.
 - e. In addition to the fees set by the Town Board, an assessment of \$1.00 for each spayed/neutered dog and \$3.00 for each unspayed/unneutered dog shall be charged for the purpose of carrying out population control efforts as mandated by Article 7 of the Agriculture and Markets Law of the State of New York.
 - f. A comprehensive list of registry numbers and associations shall be required to be submitted with the application.
 - g. Purebred licenses shall be issued for one year and renewed annually and shall not be transferred.
 - h. The holder of a purebred license may procure, at his expense, any number of tags imprinted with the same number as the purebred license.

Section 7. Restricted Acts.

It shall be unlawful for:

1. Any owner of any dog in the Town to permit or allow such dog to be unlicensed or to fail to have its license renewed, unless such dog is under four months old.
2. Any owner to allow any dog to 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 full control of such owner or person. For the purpose of this Section, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owner.
3. Any owner to allow any dog to create a noise disturbance by barking, howling, or whining for a period of 20 minutes or more within a one hour period.
4. Any owner to allow any dog to uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.
5. Any owner to allow any dog to chase, jump upon or at, 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 injury or harm.
6. Any owner to allow any dog to 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.
7. Any owner to allow any dog to 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.
8. Any owner of any dog to fail to have that dog identified by a valid current Town of Taylor dog identification tag.
9. Any owner to allow a female dog in heat to be off the owner's premises unrestrained by a leash or to be left outside unattended.
10. Any dog chasing deer during the time period of October 1- March 31 as well as any other time frames issued by New York State.

Section 8. Dangerous Dogs.

The determination of a dangerous dog and the prosecution of the owner of such a dog shall be pursuant to Article 7 of the Agriculture and Markets Law of the State of New York.

Section 9. Seizure and impoundment.

The seizure and impoundment of dogs in violation of Article 7 of the Agriculture and Markets Law of the State of New York and of Section 7 of this Local Law shall be passed by resolution by Taylor Town Board.

Section 10. Appearance tickets.

The Dog Control Officer or any peace officer having reasonable cause to believe that a person has violated this Local Law shall issue and serve upon such person an appearance ticket for such violation.

Section 11. Complaint of violation.

Any person who observes a violation of this Local Law may file a complaint under oath with the Dog Control Officer specifying the nature of the dog violation, the date thereof, the

location of the violation, a description of the dog, and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

Section 12. Penalties for offenses.

Any person convicted of a violation of this Local Law shall be liable to a civil penalty of not less than \$25.00, except that when the person shall have been found to have violated this Local Law within the preceding five years, the civil penalty shall not be less than \$50.00, and where the person shall have been found to have committed two or more such violations within the preceding five years, the civil penalty shall not be less than \$100.00.

Section 13. Liability of owner.

1. If a domestic, farm or companion animal is injured or killed as a result of being attacked, chased or worried by any dog, the owner of said dog shall be liable for damage. The owner of such injured or killed animal may make a complaint to the Dog Control Officer or a peace officer who shall proceed pursuant to the Dangerous Dog Section of Article 7 of the Agriculture and Markets Law.
2. In no event shall the Town of Taylor or the County of Cortland be held liable for any damage done by any dog.

Section 14. Effective Date.

This Local Law shall take effect the 1st day of April, 2014.