

**TOWN OF CONESUS
LOCAL LAW NO. 1 OF THE YEAR 2010
OF THE TOWN OF CONESUS**

A local law to allow for procedures to be followed in relation to the licensing of dogs within the Town of Conesus, Livingston County, New York.

A LOCAL LAW TO AMEND CHAPTER 52 OF THE CODE OF THE TOWN OF CONESUS ENTITLED “DOGS” 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 Conesus, Livingston County, New York, as follows:

Chapter 52 of the Code of the Town of Conesus entitled “Animals” is hereby amended by deleting Section 52.1 titled Dog License Fees and replacing with the following §52.1 through §52.17 titled Licensing of Dogs:

ARTICLE I – LICENSING OF DOGS

- § 52-1 Title**
- § 52.2 Authority**
- § 52.3 Purpose**
- § 52.4 Definitions**
- § 52.5 Licensing of Dogs**
- § 52.6 Licenses issued by Animal Shelters and Pounds**
- § 52.7 Licensing Grace Period for Dogs licensed in New York City or Outside New York State**
- § 52.8 Proof of Vaccination against Rabies**
- § 52.9 Proof of Spay/Neuter**
- § 52.10 Term of License and Renewals**
- § 52.11 Fees**
- § 52.12 Issuance of license; identification tag**
- § 52.13 Purebred Dog License and Fee**
- § 52.14 Penalties**
- § 52.15 Repeal of Inconsistent Local Laws or Ordinances:**
- § 52.16 Severability Clause**
- §52.17 Effective Date**

Section 52.1 Title:

Title: the title of this Law shall be Dog Licensing of the Town of CONESUS, County of Livingston.

Section 52.2 Authority:

This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the Laws of NYS 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home rule Law of the State of New York.

Section 52.3 Purpose:

The Town Board of the Town of CONESUS, County of Livingston hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

Section 52.4 Definitions:

All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New York.

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

AGRICULTURE AND MARKETS LAW: The Agriculture and Markets Law of the State of New York in effect as of the effective date of this Chapter, as amended by this Chapter, and as thereafter amended.

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 Conesus, 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 - 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.

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 issued by the Town Clerk which sets forth the identification number together with the name of the Town and State, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

OWNER – Any person who harbors or keeps any dog.

OWNER OF RECORD – means the person in whose name a dog was last licensed pursuant to this chapter.

PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.

RESIDENT - [A person] An individual who maintains a residence within the Town of CONESUS, County of Livingston, State of New York.

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.

RUN AT LARGE means to be in a public place or on private land without the knowledge, consent, and approval of the owner of such lands.

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.

TOWN – means the Town of CONESUS, County of Livingston, State of New York

WAR DOG – Any dog which has been honorably 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 52.5 Licensing of Dogs

No person shall own or possess a dog within the Town unless such dog is licensed and identified as provided in Article 7 of the Agriculture and Markets Law and laws of the Town.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed. No license shall be required for any dog which is under the age of four months and which is not at large.

The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk of the Town a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town.

Section 52.6 Licenses issued by Animal Shelters and Pounds

The Town does not allow the licensing of dogs by a shelter. The shelter **MUST** send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing..

Section 52.7 Licensing Grace Period for Dogs licensed in New York City or Outside New York State

Any dog harbored within the Town 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 (30) days be exempt from the licensing and identification provisions of this local law.

Section 52.8 Proof of Vaccination against Rabies

Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.

Section 52.9 Proof of Spay/Neuter

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's Office.

Section 52.10 Term of License and Renewals

Each license issued pursuant to this local law, shall be valid for a period of one year and shall expire on the last day of the last month of the period for which it was issued. No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

Section 52.11 Fees

(A) The fee for a dog license issued pursuant to the provisions set forth in this law shall be established by Town Board resolution and set forth in the Town Fee Schedule. NYS Law mandates that The Town must charge at least \$5.00 more for an individual dog license for an unspayed or unneutered dog than the fee for a spayed or neutered dog.

(B) State Mandated Animal Population Control Surcharge

In addition to the license fee established in Subsection A above, each applicant for a dog license shall pay a surcharge of at least \$1 for each spayed or neutered dog, or a surcharge of at least \$3 for each unspayed or unneutered dog, as set forth by Town Board resolution. The amounts collected through this surcharge shall be used for the purposes of carrying out animal population control efforts.

(C) Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a surcharge fee as set forth on the Town of CONESUS fee schedule payable at the time of the application is filed to license said dog.

(D) Optional Replacement Tag Fee

A replacement tag fee surcharge shall be charged to offset the costs associated with the provision and replacement of identification tags.

(E) Optional Fee Exemptions

There shall be no fee for any license issued for the following (as defined in article 7 of the State Agriculture and Markets Law),:

- Guide dog
- Detection dog
- Hearing dog
- Police work dog
- Therapy dog
- War dog
- Working search dog
- Service dog

Each copy of any license for such dogs shall be conspicuously marked as may be deemed appropriate, by the clerk.

(F) Penalty for Late Renewals

Any person failing to renew a license within thirty (60) days of the annual renewal date shall be assessed a late renewal charge as set forth in the Town of Conesus Schedule of Fees.

Section 52.12 Issuance of license; identification tag.

- (A) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.
- (B) Change of Ownership, Lost or Stolen Dogs

Upon the transfer of ownership of any dog within the Town of Conesus, 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 provided said tag is not lost or stolen and that said dog is continually harbored within the Town of Conesus.

In the event of a change in ownership of any dog which has been assigned an official identification number or in the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

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, notify the Town Clerk.

In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or upon the time of such renewal.

(C) Identification tag.

- i. The Town Clerk shall assign a Town permanent official identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an identification tag which shall be affixed to the collar of the dog at all times.
- ii. An identification tag is not required to be worn while the dog is participating in a dog show.
- iii. The official permanent identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership within the Town, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned. In the event the original tag is lost or stolen, a new identification number will be assigned to said dog.
- iv. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the number has been assigned
- v. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no additional charge. Any replacement tag shall be obtained by the owner at the owner's expense. Any person wishing to replace a tag previously issued shall pay the sum as set forth in the Town of Conesus fee schedule to the Town Clerk for a replacement tag.

Section 52.13 Purebred Dog License and Fee

There will not be distinct purebred licenses as previously provided for by the state. Any and all existing purebred licenses shall now be required to comply with the requirements set forth in the dog licensing requirements and procedures of this law.

Section 52.14 Penalties

Any person convicted of a violation of this Local Law shall be liable for a civil penalty of not less than Seventy-five Dollars (\$75.00) for a first violation; of not less than One Hundred Twenty-Five Dollars (\$125.00) for a second violation and not less than One Hundred Seventy-five Dollars (\$175.00) for each subsequent violation.

Section 52.15 Repeal of Inconsistent Local Laws or Ordinances:

This Local Law shall supersede all prior inconsistent Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void.

Section 52.16 Severability Clause

The provision of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 52.17 Effective Date

This local law shall be effective January 1, 2011 after filing with the Secretary of State.