

TOWN OF Forestport, NEW YORK
LOCAL LAW 3 OF 2018

A Local Law entitled "Licensing of Dogs"

BE IT ENACTED by the Town Board of the Town of Forestport as follows:

Section 1. Title and Purpose.

The title of this Local Law shall be "Licensing of Dogs".

The purpose of this Local Law is to protect public health and to place the cost of dog control and dog enumeration on those who own and harbor dogs in the Town of Forestport to the greatest extent possible.

Section 2. Definitions. As used in this article, unless otherwise expressly stated or unless the context or subject matter requires otherwise:

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, or any cat.
2. "Clerk" means the Forestport Town Clerk.
3. "Dog" means any member of the species canis familiaris.
4. "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.
5. "Harbor" means to provide food or shelter to any dog.
7. "Identification tag" means a tag issued by the Town of Forestport which sets forth an identification number, together with the name of the Town, the State of New York, contact information, including telephone number, for the Town and such other information as the Town of Forestport deems appropriate.
8. "Identified dog" means any dog carrying an identification tag as provided in Section 5 of this Local Law.
9. "Owner" means any person who harbors or keeps any dog.
10. "Owner of record" means the person in whose name any dog was last licensed pursuant to this Local Law, except that if any license is issued on 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. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of section 6 of this Local Law, the owners shall be deemed to be the owner of record of such dog, except that if

the owner is under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.

17. "Person" means any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

18. "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 purposes.

19. "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 New York State Commissioner of Agriculture and Markets.

20 "War dog" means any dog which has been honorably discharged from the United States armed services.

21. "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 New York State during the period such dog is being trained or bred for such purpose.

22. "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.

23. "Person with a disability" means any person with a disability as that term is defined in Section 292(21) of the New York Executive Law.

24. "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; provided, however, that such services provided by said dog shall be performed without charge or fee.

25. "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.

26. "Detection dog" means 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.

Section 3. Licensing of dogs required; rabies vaccination required.

1. (a) 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 which is under the age of four months and which is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with

the state or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Except as otherwise provided in this Section, a license shall be issued or renewed for a period of at least one year, provided, that 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. All licenses shall expire on the last day of the last month of the period for which they are issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided in subdivision two of this section, a license shall be issued or renewed for a period of one year from the date of said statement.

In the case of a dog being redeemed or a dog being adopted from a shelter or pound established, maintained or contracted for, pursuant to New York Agriculture and Markets Law Section 114, such application may be made to the manager of such facility, provided such manager has been authorized by the Town by resolution to accept such application. Such authorization shall be requested by the governing body of the pound or shelter and the granting or denial of such authorization shall be in the discretion of the Town in which the prospective owner resides.

(b) Application for a dog license shall be made to the Forestport Town Clerk.

(c) The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, county and town, city or village of residence of the owner.

(d) The application shall be accompanied by the license fee prescribed by section 4 of this Local Law and a certificate of rabies vaccination or statement in lieu thereof, as required by subdivision two of this section. 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 Town 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 Section 4 hereof.

(e) Upon validation by the clerk, the application shall become a license for the dog described therein.

(f) The Clerk shall provide a copy of the license to the owner and retain a record of the license.

(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.

2. The Clerk, at the time of issuing any license, 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 old age or another reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk, dog

control officer or authorized pound or shelter manager shall make or cause to be made from such statement a record of such information and shall file such record with a copy of the license.

Section 4. Annual Fees for Licensing Dogs.

1. For each spayed or neutered dog: \$5.00, which includes the assessment of a statutory One Dollar (\$1) surcharge for the purpose of carrying out animal population control.
2. For each unsprayed or unneutered dog: \$15.00, which includes the assessment of a statutory Three Dollar (\$3) surcharge for the purpose of carrying out animal population control.
3. Replacement ID Tags: \$3.00
4. Enumeration fee: when the Town Board determines the need for a dog enumeration, a fee of Five Dollars (\$ 5.00) shall be assessed, in addition to the dog license fees, to all dogs found to be unlicensed or not renewed at the time the enumeration is conducted.
5. Purebred License: the Town of Forestport shall not issue Purebred, Kennel or Sanctuary licenses. All dogs shall be licensed individually in accordance with the fee schedule set forth herein.
6. Service Dogs: Service dogs, including any guide dog, service dog, hearing dog or detection dog shall be licensed but shall be exempt from any fees; the dog owner shall provide written proof of the dog's status to be exempt from such fees.
7. The fees set forth herein shall be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

Section 5. Identification of Dogs.

1. Each dog licensed pursuant to this Local Law shall be assigned, at the time the dog is first licensed, a Town of Forestport identification number. 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.
2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

Section 6. Change of Ownership; Lost or Stolen Dog.

1. In the event of a change in the ownership of any dog which has been licensed pursuant to this Local Law or in the address of the owner of record of 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 any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

2. If any dog which has been licensed pursuant to this Local Law 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 this article committed after such report is filed.

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

Section 7. Seizure of Dogs; Redemption Periods; Impoundment Fees; Adoption

1. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer shall seize:

- (a) any dog which is not identified and which is not on the owner's premises;
- (b) any dog which is not licensed, whether on or off the owner's premises;
- (c) any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous; and
- (d) any dog which poses an immediate threat to the public safety. Promptly upon seizure the dog control officer shall commence a proceeding as provided for in subdivision two of section one hundred twenty-three of the New York Agriculture and Markets Law.

2. Any dog control officer or peace officer, acting pursuant to his special duties, or police officer may seize any dog in violation of this local law.

3. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this Local Law and further provided that the owner pays the following impoundment fees:

- (a) not less than ten dollars (\$10.00) for the first impoundment of any dog owned by that person;
- (b) not less than twenty dollars (\$20.00) for the first twenty-four hours or part thereof and three dollars (\$3.00) for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
- (c) not less than thirty dollars (\$30.00) for the first twenty-four hours or part thereof and three dollars (\$3.00) for each additional twenty-four hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

4. Procedures for Notice and Redemption of identified dogs shall be as provided in Section 117 of the New York Agriculture and Markets Law.

Section 8. Violations.

1. It shall be a violation, punishable as provided in subdivision two of this section, 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, special identification tag for identifying guide, service or hearing dogs or purebred license tag;
- (d) any person to furnish any false or misleading information on any form required to be filed with the Town Clerk pursuant to the provisions of this Local Law;
- (e) any owner of a dog to fail to notify the Town Clerk of any change or ownership or address as required by Section 6 hereof.

2. It shall be the duty of the dog control officer to bring an action against any person who has committed any violation set forth in subdivision one of this section. The Town of Forestport may elect either to prosecute such action as a violation under the penal law or to commence an action to recover a civil penalty.

A violation of this section shall be punishable, subject to such an election, either:

(a) where prosecuted pursuant to the penal law, by a fine of not less than twenty-five dollars, except that (i) where the person was found to have violated this section or Article 7 of the New York 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, it shall be punishable by a fine of not less than the one hundred dollars or imprisonment for not more than fifteen days, or both; or

(b) where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than twenty-five dollars, except that (i) when the person was found to have violated Article 7 of the New York Agriculture and Markets Law within the preceding five years, the civil penalty 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 civil penalty may be not less than one hundred dollars.

Section 9. Effective Date.

This Local Law shall be effective as of January 1, 2011.