

Town of Allegany, New York

Local Law No. 3 of the Year 2010

Be it enacted by the Town Board of the Town of Allegany, New York as follows:

SECTION 1. TITLE.

This Law shall be known as Local Law No. 3 of the Year 2010 entitled “ Dog Licensing Law of the Town of Allegany, New York, County of Cattaraugus”.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the provisions of (Chapter 59; Part T of the Laws of 2010) Article 7 of the Agriculture and Markets Law and the Municipal Home Rule 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 in the Town of Allegany, New York.

SECTION 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 herein, 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, and as amended by Chapter 59, and as thereafter amended.

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: Means any person who harbors or keeps any dog.

OWNER OF RECORD: Means any 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/individual who maintains a residence within the Town of Allegany, County of Cattaraugus and State of New York.

TOWN: Means the Town of Allegany, County of Cattaraugus and State of New York.

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

SECTION 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 the laws of the Town.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempted, shall be licensed.

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 surcharges and such additional fees as may be established by the Town.

SECTION 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 in which the dog will be harbored for licensing OR to the Town Clerk of the Town where the Shelter is located for the purchase of the license for adoption purposes.

SECTION 7. 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 8. TERM OF LICENSE AND RENEWALS.

All dog licenses for unspayed or un-neutered dogs will be paid for a period of one (1) year and will expire at the end of the month one (1) year from the date of issue. Dog licenses for spayed or neutered dogs may be purchased for a one (1) year, two (2) year or three (3) year period and will expire at the end of the month one (1) year, two (2) years or three (3) years from the date of issuance as the case may be. Dog licenses are not transferable.

SECTION 9. FEES.

Individual dog license fee:

(A) \$ 8.00 for a spayed or neutered dog for a one (1) year period (which fee includes the assessment of a \$ 1.00 surcharge for the purpose of carrying out animal population control), \$ 15.00 for a two (2) year period (which fee includes the assessment of a \$ 1.00 surcharge for the purpose of carrying out animal population control), and \$ 21.00 for a three (3) year period (which fee includes the assessment of a \$ 1.00 surcharge for the purpose of carrying out animal population control).

(B) \$ 16.00 for an unspayed or un-neutered dog for a period of one (1) year (which fee includes the assessment of a \$ 3.00 surcharge for the purpose of carrying out animal population control).

The fees established by this provision are subject to review by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(C) \$ 3.00 for a replacement tag fee to offset the costs associated with the provision and replacement of identification tags.

SECTION 10. ISSUANCE OF LICENSE; IDENTIFICATION TAG.

- (A) Upon validation by the Town Clerk of the Town, a dog license shall be issued and a record of its issuance retained in the office of the Town Clerk of the Town. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets or its successor.
- (B) 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.
- (C) 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.
- (D) In the event of a change in ownership of any dog 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 (10) days of such change notify the Town Clerk.
- (E) If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall within ten (10) days of the discovery of such loss or theft notify the Town Clerk.
- (F) In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to or upon the time of renewal of license.
- (G) 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, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

- iv. No tag carrying an identification number shall be affixed to the collar of any dog other than the one which the number has been assigned.

SECTION 11. 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 will now be required to comply with this local law.

SECTION 12. PENALTIES.

Any person convicted of a violation of this local law shall be liable for a civil penalty of Twenty-Five Dollars (\$ 25.00) for a first violation; of Fifty Dollars (\$ 50.00) for a second violation and Seventy-Five Dollars (\$ 75.00) for each subsequent violation.

SECTION 13. SEVERABILITY CLAUSE.

The provisions 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 local law.

SECTION 14. REPEAL OF INCONSISTENT LICENSING LAWS.

This local law shall supersede all prior laws within the Town relative to the licensing of dogs.

SECTION 15. EFFECTIVE DATE.

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