

Local Law Filing

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(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.

(Name of Municipality) TOWN OF WARREN

Local Law No. 3 of the year 2011

FILED
STATE RECORDS
JAN 10 2011
DEPARTMENT OF STATE

A local law to amend Chapter _____ of the Code of the Town of _____ relating to the licensing of dogs

Be it enacted by the Town Board of the Town of WARREN, as follows:

Whereas, effective January 1, 2011, the State of New York will relinquish the responsibility of dog licensing function to local municipalities and will eliminate the Animal Population Control Fund; and

Whereas, local municipalities will now be required to adopt legislation relating to this issue; and

Whereas, the Town's current laws relating to dogs need to be updated in conformance with the change in the statute; now therefore, be it enacted by the Town Board, as follows:

Section 1. Chapter _____ of the Code of the Town of WARREN is hereby (added) (amended) (amended in its entirety) to read as follows:

ARTICLE I

Dog Licensing (and Control)

§ XXX-1. Title.

This article shall be known and may be cited as the "Dog Licensing (and Control) Law of the Town of WARREN, New York."

**DOG LICENSING AND CONTROL LAW FOR
THE TOWN OF WARREN
Local Law 3 of the year 2010**

Whereas, effective January 1, 2011, the State of New York will relinquish the responsibility of dog licensing function to local municipalities and

Whereas, local municipalities will now be required to adopt legislation relating to this issue; and

Whereas, the Town's current laws relating to dogs need to be updated in conformance with the change in the statute; be it enacted by the Town Board of the Town of Warren, County of Herkimer, State of New York, as follows:

SECTION 1 TITLE

Title: the title of this Law shall be Dog Licensing and Control Law of the Town of Warren, County of Herkimer.

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 PURPOSES AND INTENT

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

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.

AGRICULTURE AND MARKET 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.

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.

DOG - includes any dog of either sex and of any age unless otherwise indicated herein.

OWNER - means any person who harbors or keeps any dog or other animal.

OWNER OF RECORD - means the person in whose name the dog was last licensed pursuant to this chapter or the parent or guardian of any owner under the age of 18 years.

PERSON - a person, partnership, corporation, association or other organized group of persons, business entity, municipality or other entity.

RESIDENT - [A person] an individual who maintains a residence within the Town of Warren, County of Herkimer, State of New York.

TOWN - means the Town of Warren, County of Herkimer, State of New York.

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

DOG WARDEN - means any person employed to assist in the enforcement of the law.

- a) The Town Board of the Town of Warren shall appoint a Dog Warden(s) as needed pursuant to the appropriate statutes of the State of New York. It shall be the duty of such Dog Warden, as well as any and all other peace officers within the Town of Warren to enforce the appropriate provisions of this law as well as of the Agriculture and Markets Law of the State of New York with respect to dogs within the Town of Warren. Dog Warden(s) and any violation of any portion of this law as well as any dogs otherwise required to be seized under and by virtue of the Agriculture and Markets Law of the State of New York. All complaints concerning alleged violations of this law shall be communicated to the Dog Warden.
- b) All such complaints shall be investigated and it shall be the duty of the Dog Warden in the appropriate case to proceed with the civil or criminal enforcement of this law or any other provision of the law pertaining hereto.
- c) The Town Board of the Town of Warren is hereby authorized in conjunction with, in lieu of the establishment of pounds and the employment of a Dog Warden to contract with any incorporated society for the prevention of the cruelty to animals for the seizure and impounding of all unlicensed or untagged dogs.
- d) Any and all fees under this law received by the Town Clerk or the Dog Warden shall be paid into the Town and shall be used for the expense of executing and enforcing this law including the return of certain required fees to the State of New York for licensing of said dog.

SECTION 5 LICENSING OF DOGS

No person shall own or possess a dog within the Town of Warren 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.

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 6 - LICENSES issued by ANIMAL SHELTERS

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

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

Each license issued pursuant to this local law, shall be valid for a period of one (1) 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 9 - FEES

Individual Dog License Fee

\$ 5.00 for a spayed or neutered dog

\$11.00 for an unsprayed or unneutered dog

State Mandated Animal Population Control Surcharge

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 payable at the time the dog license application is filed.

Each individual Dog license for an unsprayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

Cost of license as of January 1, 2011 as follows;

Spayed / neutered \$6.00

Unsprayed/unneutered \$14.00

Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$5.00 dog enumeration surcharge payable at the time the application is filed to license said dog.

Replacement Tag Fee

A replacement tag fee of \$3.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

Fee Exemption

There shall be no fee for any license issued for guide, hearing, service, seeing-eye, war, working search, detection, police work, or therapy dogs as defined in article 7 of the State Agriculture and Markets Law and with proper documentation. Each copy of any license for such dogs shall be conspicuously marked as may be appropriate, by the clerk.

Purebred and Kennel Licenses

The Town of Warren will not issue Purebred or Kennel licenses. All dogs must be licensed individually as per the above schedule.

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 successor thereof.
- (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) Change of Ownership, Lost or Stolen Dog. Upon 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.

In the event of a change in ownership of any dog that 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.

SECTION 11 - CHANGE OF LICENSE FEE

The fee charged for licenses for spayed and neutered, unsprayed and unneutered dogs can be reviewed by the Town Board at any time during the year. Authority to set Dog License Fees by Resolution of the Town Board is granted Pursuant to Municipal Home Rule Law by the adoption of this law, the Town of Warren, County of Herkimer hereby authorizes the Town Board of the Town of Warren, County of Herkimer to establish, by resolution, a schedule of dog license fees, enumeration fees and tag replacement fees. The Town

Board of the Town of Warren, County of Herkimer may exercise this authority as need throughout the year or at any time deemed necessary.

SECTION 12 - PENALTIES

Any person found guilty of violating this law shall be guilty of a violation and shall be punishable by a fine of not more than Twenty-Five (\$25.00) Dollars for the 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 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 effect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION 14 - REPEALER

This Local Law shall supersede all prior Local Laws, Ordinances, Resolutions, Rules and Regulations relative to the control of dogs within the Town of Warren, and they shall be upon the effectiveness of the Local Law, null and void.

SECTION 15 - EFFECTIVE DATE:

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

BE IT RESOLVER that the Town Board of the Town of Warren does hereby accept Local Law #3 for the Licensing and Control of Dogs in the Town of Warren. Motion by Supervisor Richard Jack, seconded by Councilman Roger Vaughn.

Roll call vote:

| | |
|------------------------------|-----|
| Supervisor Richard Jack | Aye |
| Councilman Roger Vaughn | Aye |
| Councilman Dorayne Peplinski | Aye |
| Councilman Donald Oldick | Aye |
| Councilman Leslie Miller | Aye |

Motion carried.

**(Complete the certification in the paragraph that applies to the filing of this local law and
strikeout 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. 3 of 2010 of the
(County) (City) (~~Town~~) (Village) of WARREN was duly passed by the
(Name of Legislative Body) WARREN TOWN BOARD on DECEMBER 13, 2010,
in accordance with the applicable 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
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive
Officer*) _____ and was deemed duly adopted 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
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive
Officer*) _____ on _____ 20____. 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 electors 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
(Name of Legislative Body) _____ on _____ 20____, and
was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*)
_____ on _____ 20____. 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.)~~

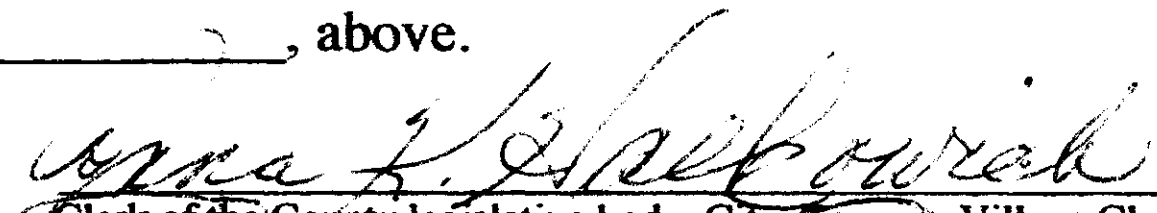
~~I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 10 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 the electors at 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 the 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 _____, above.~~

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

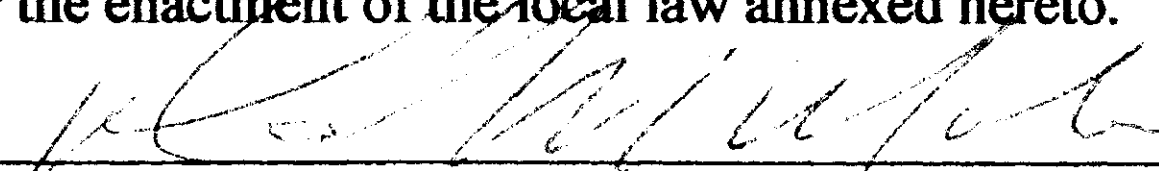
(Seal)

Date: 12/26/2010

(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 Herkimer

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

Town Attorney
Title

County
City of Warren
Town
Village

Date: Dec 18, 2010