Town of Roseboom, County of Otsego, State of New York

Local Law No. 3 of the year 2013

Be it enacted by the Town Board of the Town of Roseboom as follows:

**Section 1. Title:**

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

**Section 2. Authority:**

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

**Section 3. Purpose:**

The Town Board of the Town of Roseboom, County of Otsego, 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 S108 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.

**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 or other animal.

**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:** an individual who maintains a residence within the Town of Roseboom, County of Otsego, State of New York.

**TOWN:** means the Town of Roseboom, County of Otsego, State of New York.

**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.

**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 laws of the Town.

All dogs within the Town that are six (6) 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 six (6) 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 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 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-year and shall expire on the last day of the last month of the period for which it was issued.

**Section 9. Fees**

* **Individual Dog License Fee**

$ 5.00 for a spayed or neutered dog

$13.00 for an unsprayed or unneutered dog

* **Replacement Tag Fee**

A replacement tags fee of $2.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

* **Fee Exemptions**

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

\*Guide Dog \*Hearing Dog \*Service Dog \*War Dog \* Working Search Dog

\*Detection Dog \*Police Work Dog \*Therapy Dog

Each copy of any license for such dogs shall be conspicuously marked “Guide Dog,” “Hearing Dog,” “Service Dog,” “Working Search Dog,” “War Dog,” “Detection Dog,” “Police Work Dog,” or “Therapy Dog,” as may be appropriate, by the clerk.

AMENDED ON 10-13-16 --PUBLIC HEARING—re Local Law No 3 – 2013 to include requested changes from the Susquehanna Animal Shelter.

* **Impound Fees**

The owner of the impounded animal must pay the impound fee, plus any and all fees incurred by the town.

**Section 10. Issuance of License; Identification Tag**

 Upon validation by the Town Clerk of the Town of Roseboom, 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.

1. No license shall be transferrable. 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.
2. Changes of Ownership, Lost or Stolen Dogs
	1. 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.
	2. 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 (10) days of such change, notify the Town Clerk.
	3. If any dog which has been assigned an official identification number is lost or stolen, the owner or record shall, within ten (10) days of discovery of such loss or theft, notify the Town Clerk.
	4. In 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.
3. Identification Tag
4. The Town Clerk shall assign a Town 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.
5. An identification tag is not required to be worn while the dog is participating in a dog show.
6. 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.
7. 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.
8. 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 of $2.00 dollars to the Town Clerk for a replacement tag.

**Section 11. Penalties**

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

1. Where prosecuted pursuant to the penal law, by a fine of not less than twenty-five dollars ($25), except that (i) where the person was found to have violated this section or former article seven of this chapter within the preceding five years, the fine may be not less than fifty dollars ($50), 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 one hundred dollars ($100) or imprisonment for not more than fifteen days, or both; or
2. Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than twenty-five dollars ($25), except that (i) when the person was found to have violated this section or this article within the preceding five years, the civil penalty may not be less than fifty dollars ($50), and (ii) where a person was found to have committed two or more such violations within the preceding five years, the civil penalty may not be less than one hundred dollars ($100).

**Section 12. Repeal of Inconsistent Local Laws or Ordnances**

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 effectiveness of this Local Law, null and void.

**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 affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

**Section 14. Effective Date**

This Local Law shall be effective January 1, 2014 after filing with the Secretary of State.

END.