

(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.

~~County~~
~~City~~
Town
~~Village~~

of Croghan

Local Law No. 1 of the year 2010

A local law to adopt comprehensive regulations for the licensing of dogs and dog control with the Town

Be it enacted by the Town Board of the

~~County~~
~~City~~
Town
~~Village~~

of Croghan as follows:

Article 1-Statement of Authority. The Town Board of the Town of Croghan pursuant to the authority granted under Article 7 of the Agriculture and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enacts as follows:

Article 2-Statement of Purpose and Findings. The Town Board of the Town of Croghan hereby finds that in view of new State Laws imposing increased responsibility on the Town for the licensing of dogs and dog control that it is necessary to have a global revision of all prior regulations of the Town with respect to licensing dogs and dog control. It is the purpose of this law to adopt comprehensive regulations for the licensing of dogs and dog control issues within the Town.

Article 3-Enactment. The Town Board of the Town of Croghan hereby enacts as follows:

Section 1: Title: the title of this Law shall be "Dog Control Law of Town of Croghan".

Section 2: Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

(a) "Dog" means male or female, licensed and unlicensed, members of the species canis familiaris.

(b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control

(If additional space is needed, attach pages the same size as this sheet, and number each.)

officer and a reasonable search has been made. If a dog is not licensed, the term owner shall designate and cover any person or persons, firm, association, or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes into the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.

(c) "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.

(d) "Town" means the Town of Croghan.

Section 3: Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

(a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of the Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.

(b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

(c) Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner.

(d) Chase, jump upon, or at, or otherwise harass any person in such a manner as to reasonable cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.

(e) Habitually chase, run alongside of or bark at motor vehicles, motorcycles or bicycles while on a public street, highway, or place, or upon private property without the consent or approval of the owner of such property.

(f) Create a nuisance by defecating, urinating or digging on public property, or on private property without the consent or approval of the owner of such property.

(g) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 4: Licensing of dogs.

(a) All dogs in the Town of Croghan unless otherwise exempted, must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license provided, however, that dogs of any age which are held at a shelter, pursuant to a contract or agreement with any County, City, Town or Village, or duly

incorporated society for the prevention of cruelty to animals, humane society or dog protective association do not have to be licensed.

(b) Any dog harbored within the Town of Croghan 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 jurisdiction outside the State of New York, shall license their dog when entering New York State.

(c) All dog licenses will be for a period of one year will expire at the end of the month one year from the date of issue.

(d) Fees for Licensing Dogs:

The fee for a spayed or neutered dog will be \$10.00, (which includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control) and the fee for an unspayed or unneutered dog will be \$20.00, (which includes the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

(e) Late Renewal Fee: The Town of Croghan will require a late fee of \$5.00 if the dog license is not renewed on or before the last day of the month it is due. If the last day of the month falls on a Saturday or a Sunday, renewal will be accepted only on the first Monday of the next month, no late fee charged.

(f) Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or unrenewed at the time the enumeration is conducted. The Town Board may change the Enumeration Fee by a resolution of the Town Board, if deemed necessary.

(g) Purebred License: The Town of Croghan will **not** be issuing Purebred or Kennel Licenses. All dogs will be licensed individually as per fee system stated above.

(h) Service Dogs: The Town of Croghan will require a license for any guide dog, service dog, hearing dog, detection dog, wolves, search dog, working dog or therapy dog, as per fee system stated above. The Town of Croghan will require a license for any police dog, at no charge.

(i) The Town of Croghan 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.

(j) All dog licenses may be purchased by visiting the Town office or by regular mail. If licensing or renewing a license by mail, the appropriate fee and current rabies vaccination certificate must accompany the forms. There will be **NO** refund of fees.

(k) All fees will be used in funding the administration of the Dog Control Law of the Town of Croghan.

(l) Impoundment and euthanasia fees will be approved by resolution by the Town Board and will be the same fees as are charged to the Town for such services by The Lewis County Humane Society.

(m) Change of Ownership, Lost or Stolen Dogs

Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog and a new identification tag shall be issued.

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 such change, 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.

(n) 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, 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 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 of \$3.00 dollars to the Town Clerk for a replacement tag.

Section 5: Procedure for Seizure of Dogs:

- (a) The Dog Control Officer or any peace officer shall seize:

Any unlicensed dog whether on or off the owner's premises;

Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner's premises, and

Any dog found in violation of paragraphs (a)-(e) of Section 4 of this Local Law. Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and see that the order of the Town Justice of the Town of Croghan in such case is carried out.

- (b) The Dog Control Officer or peace officer observing a violation of this Local Law in his presence shall issue and serve an appearance ticket to such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Croghan specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis enforcing the provisions of this Local Law.

Section 6: Penalties:

- (a) For a first violation a fine of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one year period, a fine of no less than \$50.00 nor more than \$150.00.
- (c) For a third or subsequent offense within a one year period, a fine of no less than \$75.00 nor more than \$200.00

Article 4-Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Croghan, and they shall be upon the effectiveness of this Local Law, null and void.

Article 5-Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section for provision of this Chapter.

Article 6-Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of ~~19~~ 2010 of the ~~(County)(City)(Town)(Village)~~ of Croghan was duly passed by the Town Board on Nov. 15, ~~19~~ 2010, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 __, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19 ____ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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. _____ of 19_____ 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 _____ 19____, 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 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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.

Ruth Ann Hammond

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
Ruth Ann Hammond, Clerk

Date: November 19, 2010

(Seal)

(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 Jefferson

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.

George D. Judd

Signature

Town Attorney

Title

County

City of Croghan

Town

Village

Date: November 19, 2010