

Local Law Filing

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AUG 19 2016

DEPARTMENT OF STATE

Town of Nunda

**Local Law No. 1 of the year 2016
To Amend Local Law No. 2 of the year 2010**

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

Section 1. Title

This local law shall be known as the "Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston." To amend Local Law 2-2010 "Dog Licensing and Control Law of the Town of Nunda."

Section 2. Legislative Purpose.

The purpose of this article is to provide for the licensing and identification of dogs. Effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue.

Section 3. Purpose.

The purpose of this article is to provide a particular annual licensing period in the Town of Nunda to coincide with Livingston County Free Rabies Clinic and have all dog owners on the same renewal expectancy date for the Town of Nunda to better track delinquencies and update the Town Clerk's database of expired rabies records.

Section 4. Authority.

This article 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, as amended by Part T of Chapter 59 of the Laws of 2010, and as may be subsequently amended and supplemented.

Section 5. Definitions.

As used in this article, the following words shall have the following respective meanings:

DOG – Male and female, licensed and unlicensed, members of the species canis familiaris.

DOG CONTROL OFFICER or DCO – A person or persons appointed by the Town for the purpose of enforcement of this article.

HARBOR – Means to provide food and or shelter to any dog.

OWNER – The 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 Town Clerk and the Dog Control 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 anytime owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept in brought into or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held and deemed to be "owner" of such dog for the purpose of this article. In the event that the "owner" of any dog found to be in violation of this article shall be under 18 years of age the head of the household in which said minor resides 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 article.

RUN AT LARGE – To be in a public place unrestrained by a leash or on private land without the knowledge, consent, and approval of the owner of such lands.

TOWN – The Town of Nunda.

Section 6. 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 Article, 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 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 of such property.
- D. Chase, jump upon or at, or otherwise harass any person in such manner as to reasonably 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. Be unrestrained by a leash if the unsprayed dog is in heat

Section 7. Licensing of dogs; fees.

- A. License required. All dogs in the Town of Nunda shall be licensed with the Town Clerk by the age of four months, and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license. Licenses are not transferrable and upon the transfer of ownership of any dog, the new owner shall immediately apply for a license for such dog.
- B. All dog licenses shall be valid for a period of one year. The annual dog licensing will be held during three chronological months, the start date will be the first day of July and carried through the last day of September. The license shall expire at the end of the month one year from the date of issuance.
- C. License fees. The fee for a spayed or neutered dog will be \$10.00, which includes the assessment of a New York State surcharge fee of \$1 for the purpose of carrying out the animal population control program. Proof of that the dog is spayed or neutered, by a veterinarian certificate shall be filed with the Town Clerk. The fee for an unspayed or unneutered dog will be \$15.00, which includes the assessment of a New York State surcharge of \$3 for the purpose of carrying out the animal population control program. Such fees shall be reviewed by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.
- D. Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5 will be assessed to the owner of any dog found unlicensed at the time the enumeration is conducted.
- E. Purebred license. The Town of Nunda shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.
- F. Service dogs. The Town of Nunda shall require a license for a Police work dog, therapy dog, guide dog, service dog, hearing dog or detection dog; however, upon documentation that said dog is a service dog, the license fee shall be waived.
- G. The Town of Nunda does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city 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.
- H. All dog licenses shall be purchased by visiting the Town Clerk's office or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.
- I. All fees shall be used in funding the administration of the Dog Control Law of the Town of Nunda.
- J. Fees for seizure and impoundment of dogs. The fee for seizure and impoundment of dogs in violation of this article or the New York State Agriculture and Markets Law shall be set and collected by Livingston County Dog Control and used for the funding the administration of the Dog Control Law of Livingston County.

Section 8. Seizure and redemption of dogs.

- A. The Dog Control Officer of Livingston County or any peace officer shall seize:
- (1) Any unlicensed dog whether on or off the owner's premises.
 - (2) Any dog not wearing a tag, not identified, and which is not on the owner's premises.
 - (3) Any dog found in violation of Subsections A through G of § 83-5 of this article.
- B. Such seized dog shall be available for redemption by its owner for a period of time set by Livingston County Dog Control
- C. Such seized dog shall be available for adoption (or euthanasia) if, at the end of the appropriate redemption period, said dog has not been redeemed by its owner.

Section 9. Enforcement; appearance tickets; penalties for offenses.

- A. The Dog Control Officer or peace officer observing a violation of this article in his/her presence shall issue and serve an appearance ticket for such violation.
- B. Any person convicted of a violation of this article shall be liable for a mandatory civil penalty of \$25 for a first violation; \$50 for a second violation and \$100 for each subsequent violation.

Section 10. Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed as of the effective date of this law.

Section 11. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 12. When effective.

This local law shall take effect January 1, 2017, after filing with the Secretary of State of the State of New York.

Introduced: October 12, 2010

Adopted: December 14, 2010

Effective: January 1, 2011

Amendment Introduced: July 12, 2016

Adopted: August 9, 2016

Effective: January 1, 2017

August 9th, 2016 the Public Hearing on Local Law No. 1 of 2016 entitled "Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston." To amend Local Law 2-2010 "Dog Licensing and Control Law of the Town of Nunda." closed at 7:25 P.M.

A motion was made to adopt Local Law No. 1 of 2016. The motion was made by James Forrester and put to a roll call vote with the results as follows:

Supervisor Merilee Walker	aye
Councilperson Bill Mann	aye
Councilperson Mike Hillier	aye
Councilperson Jim Forrester	aye
<i>Vacant Seat</i>	

The local Law No.1 of 2016 entitled Dog Control Ordinance, Licensing & Fees of the Town of Nunda, County of Livingston was therefore adopted.

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the Town of Nunda was duly passed by the Town Council on August 9, 2016 in accordance with the applicable provisions of law.



Cheyenne DeMarco
Nunda Town Clerk

Date: August 12, 2016.