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Town of Kiantone, Chautauqua County, New York

Local Law No. 1 of the year 2010

Be it Enacted by the Town Board of the Town of Kiantone as follows:

Section 1. Title:

Title: The title of this Law shall be Dog Licensing Law of the Town of Kiantone, County of Chautauqua.

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 Town Board of the Town of Kiantone, County of Chautauqua 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.

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 Kiantone, County of Chautauqua, State of New York.

TOWN – Means the Town of Kiantone, County of Chautauqua, State of New York

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 four (4) 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 four 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 **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

Each license issued pursuant to this local law, shall be valid for a period of three (3) years 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 for Licensing Dogs

The fee for a spayed or neutered dog for a three-year period will be \$10.50 which includes the assessment of a \$1.00 surcharge per year for the purpose of carrying out animal population control.

The fee for an unspayed or unneutered dog for a three-year period will be \$31.50 which includes the assessment of a \$3.00 surcharge per year for the purpose of carrying out animal population control.

Authority to Set Dog License Fees by Resolution of the Town Board

Pursuant to Municipal Home Rule Law, § 10[1][ii][a][9-a], by the adoption of this local law, the Town of Kiantone, County of Chautauqua hereby authorizes the Town Board of the Town of Kiantone, County of Chautauqua to establish, by resolution, a schedule of dog license fees, enumeration fees and tag replacement fees. The Town Board of the Town of Kiantone, County of Chautauqua may exercise this authority as needed throughout the year.

Fee Exemptions

There shall be no fee for any license issued for the following:

- guide dog (as defined in article 7 of the State Agriculture and Markets Law),
- hearing dog, (as defined in article 7 of the State Agriculture and Markets Law),
- service dog, (as defined in article 7 of the State Agriculture and Markets Law),
- war dog, (as defined in article 7 of the State Agriculture and Markets Law),
- working search dog, (as defined in article 7 of the State Agriculture and Markets Law),
- detection dog, (as defined in article 7 of the State Agriculture and Markets Law),
- police work dog (as defined in article 7 of the State Agriculture and Markets Law),
- therapy dog (as defined in article 7 of the State Agriculture and Markets Law).

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.

Section 10. Enumeration Fees

The Town Board has determined that there is a continual need for dog enumeration and a fee of \$10.00 will be assessed to all dogs found unlicensed within the Town of Kiantone at any time. If the same or any other dog owned by the same owner is found to be unlicensed for a second time within a five year period, a \$20 fee will be assessed and if the same or any other dog owned by the same owner if found to be unlicensed for a third time within such five year period, a \$40 fee will be assessed. If the same or any other dog owned by the same owner is found to be unlicensed more than three times within a five year period, each time the enumeration fee shall double the last fee assessed but shall not exceed \$250.

Section 11. Impoundment Fees

The fee for any seizure and impoundment of a dog in violation of Article 7 of the Agriculture and Markets Law or the provisions of this local law are as follows:

1. For the first impoundment - \$25
2. For the second and subsequent impoundments - \$50

Section 12. 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 Dogs

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.

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 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.

(D) Identification tag.

- i. 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.
- 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 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 \$5.00 dollars to the Town Clerk for a replacement tag.

Section 13. 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 14. Penalties

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

- a. Where prosecuted pursuant to the Penal Law, by a fine of not less than twenty-five dollars, 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, 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 or imprisonment for not more than fifteen days, or both, or
- b. Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than twenty-five dollars, 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 be not less than fifty dollars, and
 - ii. Where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not less than one hundred dollars.

Section 15. Repeal of Inconsistent Local Laws or Ordinances:

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 the effectiveness of this Local Law, null and void.

Section 16. 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 17. Effective Date

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