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County
City of**TOWN OF CAZENOVIA**.....
Town
Village

Local Law No.....7..... of the year 2010

A Local Law..... **A LOCAL LAW TO AMEND CHAPTER 52 (ANIMALS) OF THE TOWN CODE OF THE TOWN OF CAZENOVIA RELATIVE TO THE LICENSING AND IDENTIFICATION OF DOGS IN THE TOWN OF CAZENOVIA**

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

SECTION 1.

Section 52-2, titled “Definitions,” of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“§ 52-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ADOPTION – The delivery to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered.

AT LARGE – Any dog shall be deemed at large when it is off the property of its owner and not under restraint.

DOG – Any member of the species canis familiaris.

DOG CONTROL OFFICER – Any individual appointed by the Town of Cazenovia to assist in the enforcement of this local law and Article 7 of the New York State Agriculture and Markets Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Cazenovia to assist in the enforcement of this Chapter.

GUIDE DOG – Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located with the State during the period such dog is being trained or bred for such purpose.

HARBOR – To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag which sets forth an official identification number, as required by the provisions of this Chapter.

IDENTIFIED DOG – Any dog carrying an identification tag, as provided in Article 7 of the Agriculture and Markets Law.

OFFICIAL IDENTIFICATION NUMBER – A series or combination of letters, numbers or symbols approved and furnished by the Town of Cazenovia.

OWNER – Any person who keeps, harbors, or is in lawful custody, of any dog.

OWNER OF RECORD – The person in whose name any dog was last licensed pursuant to this Chapter and/or Article 7 of the Agriculture and Markets Law, except that if any license is issued on application of a person under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PERSON – Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

PERSON WITH A DISABILITY – Any person with a disability as that term is defined in Subdivision 21 of Section 292 of the Executive Law.

POLICE WORK DOG – Any dog owned or harbored by any State or municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work.

RECOGNIZED REGISTRY ASSOCIATION – Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of the Department of Agriculture and Markets.

RESTRAINT – A dog is under restraint when it is controlled by a leash or in the presence of a competent person and obedient to that person’s commands, or on or within a vehicle being driven or parked on the street, or within the property limits of its owner or owner of record, or upon the premises of another with the consent of such other person.

TOWN CLERK – Town of Cazenovia Town Clerk.”

SECTION 2.

Section 52-5, titled “Unlicensed dogs,” of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“§ 52-5. Unlicensed dogs.

Owning or harboring a dog within the Town of Cazenovia, unless such dog is licensed as

required by the provisions of this Chapter and the Agriculture and Markets Law, shall be an offense or violation. The fact that a dog is without a license tag, attached to a collar, shall be presumptive evidence that the dog is unlicensed.”

SECTION 3.

Section 52-7, titled “Seizure and impoundment,” of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“§ 52-7. Seizure and impoundment.

- A. The Dog Control Officer, or any peace officer, shall seize any dog which is not licensed, whether on or off the owner’s premises.
- B. The Dog Control Officer, or any peace officer, may seize any dog in violation of this Chapter.
- C. Each dog seized shall be properly sheltered, fed and watered.
- D. The owner of any dog impounded by the Dog Control Officer shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee, the amount of which shall be established by resolution of the Town Board and is on file with the Town Clerk. Such impoundment fees may thereafter be amended by resolution of the Town Board.
- E. As the property of the Town of Cazenovia, after receipt, all impoundment fees shall be remitted by the Town Clerk to the Town Supervisor on or before the fifth day of each month.”

SECTION 4.

Section 52-8, titled “Penalties for offenses,” of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“§ 52-8. Penalties for offenses.

- A. Except as otherwise punishable as provided in Article 7 of the Agriculture and Markets Law, a violation of this Chapter shall be deemed a criminal offense and a violation of this Chapter shall be punishable by a fine of not more than twenty-five dollars (\$25.00), except that
 - 1. where the person was found to have violated this Chapter within the preceding five (5) years, the fine may not be more than fifty dollars (\$50.00); and

2. where the person was found to have committed two (2) or more violations within the preceding five (5) years, it shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than fifteen (15) days, or both.

B. Each day that an offense continues shall constitute a separate violation.”

SECTION 5.

Section 52-9 (“Additional civil penalties”), Subsection B of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“B. For the first violation of this Chapter, the Dog Control Officer shall, upon determination and identification of the dog, serve, mail or deliver, a notice of first violation specifying the time, place, date and nature of violation upon the owner of the dog, and which notice shall instruct the owner to report at the Town Clerk’s office of the Town of Cazenovia, New York, in regard to said violation. Such owner shall, within seven (7) days of the time at which such notice was served, mailed or delivered, pay to the Town, as additional civil penalty for such violation, the sum of twenty-five dollars (\$25.00).”

SECTION 6.

Section 52-9 (“Additional civil penalties”), Subsection C of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“C. For a second violation of this Chapter within the preceding five (5) years, the Dog Control Officer may, upon determination and identification of the dog, seize the same and hold the same for redemption or otherwise as provided herein. In addition to such seizure and in any event, whether or not such seizure is made, the Dog Control Officer shall serve, mail or deliver to the owner of the dog a notice of second violation, and which notice shall instruct the owner to report to the Town Clerk’s office in regard to such violation. Such owner shall, within twelve (12) days of the time when such notice was served, mailed or delivered, pay to the Town, as an additional civil penalty for such violation, the sum of fifty dollars (\$50.00).”

SECTION 7.

Section 52-9 (“Additional civil penalties”), Subsection D of the Town Code of the Town of Cazenovia is hereby renumbered as Subsection E and the new text of Subsection D shall read, in its entirety, as follows:

“D. Where a person is found to have committed two (2) or more such violations of this Chapter within the preceding five (5) years, in addition to seizure, as set forth

in Subsection C, and in any event, whether or not such seizure is made, the Dog Control Officer shall serve, mail or deliver to the owner of the dog a notice of violation, and which notice shall instruct the owner to report to the Town Clerk's office in regard to such violation. Such owner shall, within twelve (12) days of the time when such notice was served, mailed or delivered, pay to the Town, as an additional civil penalty for such violation, the sum of one hundred dollars (\$100.00).”

SECTION 8.

Section 52-9 (“Additional civil penalties”), Subsection D of the Town Code of the Town of Cazenovia is hereby renumbered as Subsection E and the new text of Subsection D shall read, in its entirety, as follows:

“B. Each day that failure continues shall constitute a separate violation.”

SECTION 9.

Article II of Chapter 52, titled “Dog License Fees,” of the Town Code of the Town of Cazenovia is hereby amended to read, in its entirety, as follows:

“ARTICLE II Dog License Fees

§ 52-10. Purpose.

The purpose and intent of this Article shall be to regulate the imposition and use of license fees by the Town of Cazenovia, pursuant to Article 7 of Agriculture and Markets Law.

§ 52-11. Annual license fee.

- A. A fee schedule shall be established by resolution of the Town Board of the Town of Cazenovia and is available in the office of the Town Clerk. Such fee schedule may thereafter be amended by resolution of the Town Board. Fees shall be charged and collected prior to the issuance of a license.
- B. There shall be no fee for any license issued for any guide dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked “Guide Dog” or “Police Work Dog,” as is appropriate, by the Town Clerk.
- C. An additional fee, established and amended from time to time by resolution of the Town Board, shall be imposed when a dog is identified as unlicensed during an enumeration. Such additional fee shall be the property of the Town of Cazenovia and shall be used to pay the expenses incurred by the Town of Cazenovia in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used to enforce this Chapter.

- D. In accordance with Article 7 of the Agriculture and Markets Law, each applicant for a dog license shall pay a surcharge, which shall be remitted to the Department of Agriculture and Markets for deposit into the animal population control fund, of one dollar (\$1.00) if the dog to be licensed is altered or a fee of three dollars (\$3.00) if the dog sought to be licensed is unaltered.
- E. Once an application has been validated by the Town Clerk, no licensing fee shall be refunded, prorated or waived. No license fee is refundable, or partially refundable, in the event the dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
- F. On or before the fifth day of each month, the Town Clerk shall remit all fees collected in accordance with Articles II and III of this Chapter to the Town Supervisor.

§ 52-12. Use of fees.

The fees collected pursuant to this Article shall be the property of the Town of Cazenovia and, upon remittance by the Town Clerk to the Town Supervisor, shall be used only for controlling dogs and enforcing the provisions of this Chapter and Article 7 of the Agriculture and Markets Law.”

SECTION 10.

Chapter 52 of the Town Code of the Town of Cazenovia is hereby amended to include a new Article III, titled “Dog Licensing,” to read, in its entirety, as follows:

**“ARTICLE III
Dog Licensing and Identification**

§ 52-13. Purpose.

The purpose and intent of this Article shall be to provide for the licensing and identification of dogs.

§ 52-14. Licensing of dogs.

- A. The owner of any dog reaching the age of four (4) months shall immediately make application to the Town Clerk for a dog license pursuant to Article 7 of the Agriculture and Markets Law.
- B. The application shall state the sex, age, breed, color, official identification number, and identification marks, if any, of the dog and the name, address and telephone number of the owner.

- C. The application shall be accompanied by a fee, as set forth in Article II of this Chapter, and a certificate of current rabies vaccination or statement in lieu thereof, as required by Article 7 of the Agriculture and Markets Law. An application for a spayed or neutered dog shall be accompanied by either a certificate, executed by a licensed veterinarian, or an affidavit by the owner, verifying that such dog has been spayed or neutered; a certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu thereof, an owner may submit a statement, certified by a licensed veterinarian, verifying that an examination of the dog reveals that spaying or neutering will endanger the life of the dog. In such a circumstance, the license fee for the dog shall be the same as for a spayed or neutered dog, as set forth in Article 7 of the Agriculture and Markets Law.
- D. Upon validation by the Town Clerk, the application shall become the license for the dog described therein. The Town Clerk shall provide a copy of the license to the owner.
- E. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license.
- F. Licenses shall be issued for a period of one year and shall expire on the last day of the month one year from the date of issue. Renewing early or late does not change the renewal month.

§52-15. Relocation/ Relicensing.

- A. The owner of any dog that is currently licensed in another municipality, must, upon harboring such dog in the Town of Cazenovia, obtain a Town of Cazenovia dog license within thirty (30) days; whereupon the Town Clerk shall assign a Town of Cazenovia identification number and an identification tag shall be issued. Upon issuance of a Town of Cazenovia identification number and tag, the dog's former identification tag shall be discarded and the new
- B. Any dog adopted or redeemed from an animal shelter must be licensed in the Town of Cazenovia prior to being released from such shelter.

§52-16. Vaccination.

The Town Clerk shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that the administration of vaccine will endanger the life of the dog. The Town Clerk shall make, or cause to be made from such statement, a record of such information and shall file such record with a copy of the license.

§ 52-17. Identification of dogs.

- A. Each dog licensed pursuant to this Chapter shall be assigned, at the time of first licensing, a permanent official identification number which shall be featured on an identification tag affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.
- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of Cazenovia dog identification tag be lost, a new tag will be issued at a fee prescribed by the Town Board of the Town of Cazenovia.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number is assigned.

§ 52-18. Change of ownership; lost or stolen dog.

- A. In the event of a change in the ownership of any dog which has been assigned an official identification number by the Town Clerk, or a change in the 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 of such change. Such owner of record shall be liable for any violation of this Article until such notification is made or until the dog is licensed in the name of the new owner.
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, notify the Town Clerk of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of Article 7 of the Agriculture and Markets Law committed after notifying the Town Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in Article II of this Chapter. Failure to so notify the Town Clerk shall constitute a violation and the owner of record shall be held liable.

§ 52-19. Violations.

It shall be a violation, punishable as provided in Sections 52-8 and 52-9 of this Chapter, for:

- A. any owner to fail to license any dog;
- B. any owner to fail to have any dog identified as required by this article;
- C. any person to knowingly affix to any dog any false or improper identification tag or special identification tag;
- D. any person to furnish any false or misleading information on any form required to be filed with the Town pursuant to the provisions of this article or the rules and regulations promulgated thereto; and
- E. any owner of a dog to fail to notify the Town of any change of ownership or address as required by Section 52-18 of this article.”

SECTION 11. Effective Date.

This Local Law shall take effect the first day of January 2011.