

Local Law Filing

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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~~

of NEW BREMEN

Town

~~Village~~

Local Law No. 2 of the year 2010

A local law A Local Law Concerning Dog Control and Licensing

Be it enacted by

Town Board

of the

(Name of Legislative Body)

~~County~~

~~City~~

of Town of New Bremen

as follows:

Town

~~Village~~

Section 1. Purpose. The Town Board of the Town of New Bremen finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and has created nuisances within the Town. The purpose of this Local Law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals, and deer from dog attack and damage.

Section 2. Authority. This Local Law is enacted pursuant to the provisions of Article 7 Chapter 59; Part T of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

Section 3. Title. The Title of this Law shall be Dog Control Law of the Town of New Bremen.

Section 4. Definition of Terms: As used in this Local Law the following words shall have the following respective meanings:

- (a) "Confined" means that such animal securely confined or restrained and kept on the owner's premises, whether within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or

any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape therefrom.

- (b) “Dog” means male and female, licensed and unlicensed, members of the species *canis familiaris*.
- (c) “Dog Control Officer” means any person authorized by the Town Board of the Town of New Bremen from time to time to enforce the provisions of this Local Law or the provisions of the Agriculture and Markets Law.
- (d) “Harbor” means to provide food or shelter to any dog.
- (e) “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 officer and a reasonable search has been made. If a dog is not licensed, the terms 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 within 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.
- (f) “Recreational Areas” means any real property owned by the Town which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.
- (g) “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.
- (h) “School Premises” means any real property situate within the Town of New Bremen which is used for educational purposes or purposes incidental thereto.
- (i) “Town” means the Town of New Bremen, New York.

Section 5. 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 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 other 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.
- (h) Be at large on any school premises or recreational areas, or the sidewalks adjacent thereto, unless said dog is on a leash.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by Section 5 of this Local Law shall be presumptive evidence against the Owner or harborer of such dog that he/she has failed to properly confine, leash or control his/her dog.

Section 6. Licensing of Dogs.

- (a) All dogs in the Town of New Bremen must be licensed with the Town Clerk by the age of four months and are required to present a current Certificate of Rabies vaccination at the time of licensing or the renewal of an existing license.
- (b) All dog licenses will be for a period of one year and will expire on the last day of the month one year from the date of issue.
- (c) Fees for Licensing of Dogs:

The fee for a spayed or neutered dog will be \$10.00, (which included 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 included 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.

(d) Enumeration fee: When the Town Board determines the need for a dog enumeration, a fee of \$10.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

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

(f) Service dogs: The Town of New Bremen will require a license for any guide dog, service dog, hearing dog or detection dog but no fee charged.

(g) The Town of New Bremen 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 in which the dog will be harbored for licensing OR the Town Clerk of the Town of New Bremen.

- (h) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (i) In the event that an Owner shall request a replacement dog license tag, the Town Clerk shall charge a fee of \$3.00 for each such replacement tag.
- (j) All fees will be used in funding the administration of the Dog Control Law of the Town of New Bremen.
- (k) Fees for Seizure of Dogs: The fee for seizure and impoundment of dogs in violation of this Law or the Laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fees per animal that are charged to the Town for such service. Second Offense: \$60.00 plus the impoundment and euthanasia fees per animal.

Section 7. Procedure for Seizure of Dogs.

- (a) The Dog Control Officer or any peace officer shall seize:
 - i) Any unlicensed dog whether on or off the Owner's premises;
 - ii) Any dog found in violation of paragraphs (a) – (k) of Section 5 of this Local Law.
- (b) Such seized dog shall be kept and disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law, and the Dog Control Officer sees that the order of the Town Justice of the Town of New Bremen in such case is carried out.
- (c) The Dog Control Officer or peace officer observing a violation of this Law shall issue and serve an appearance ticket for such violation. Said Law shall be considered a Petty Offense and not a Misdemeanor.
- (d) 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 New Bremen 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 for enforcing the provisions of this Local Law.
- (e) Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in Section 118 of the Agriculture and Markets Law.
- (f) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in Section 118 of said Article.
- (g) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subdivision (k) of Section 6 whether or not such owner chooses to redeem his/her dog.

- (h) Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Section 118 of the Agriculture and Markets Law.
- (i) No action shall be maintained against the Town, any dog control officer or peace officer when acting pursuant to his/her special duties, or any other agent or officer of the Town or person under contract to said Town to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law or the Agriculture and Markets Law.

Section 8. Penalties. Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation, Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 9. Separability. Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10. Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of New Bremen, and they shall be upon the effectives of this Local Law, null and void.

Section 11. Effective Date. This law shall be effective upon filing with the Secretary of State.

Modified Section 6. Licensing of Dogs, Subsection (d) Enumeration fee from \$5.00 to \$10.00 on May 9, 2011 per Town Board Resolution No. 46 of 2011