

Town of Plainfield

Local Law No. 1 of the year 2010

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

Section 1 Title:

Title: the title of this Law shall be Dog Licensing and Control Law of the Town of Plainfield, County of Otsego.

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 Plainfield, County of Otsego 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 Local Law, 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.

HARBOR – means to provide food or shelter to any dog or other animal.

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 -- [A person] An individual who maintains a residence within the Town of Plainfield, County of Otsego, State of New York.

TOWN – means the Town of Plainfield, County of Otsego, State of New York

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.

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 in which the dog will be harbored for licensing for the purchase of the license for adoption purposes.

Section 7 Licensing Grace Period for Dogs licensed in New York City or Outside New York State

Any dog harbored within the Town 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 a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

Section 8 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 9 Term of License and Renewals

Each license issued pursuant to this local law, shall be valid for a period of one, two, or three year(s) 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 10 Fees

(A) Individual Dog License Fee

\$ 4.00 for a spayed or neutered dog

\$ 10.00 for an unspayed or unneutered dog

(B) State Mandated Animal Population Control Surcharge

Each individual dog license for a spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 payable at the time the dog license application is filed.

Each individual dog license for an unspayed or unneutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

(C) Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$5.00 dog enumeration surcharge payable at the time of the application is filed to license said dog.

(D) Replacement Tag Fee

A replacement tag fee of \$ 1.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

(E) 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 11 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 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, 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 \$1.00 to the Town Clerk for a replacement tag.

Section 12 Purebred Dog License and Fee

The owner of one or more purebred dogs registered by a recognized registry association as defined in Agriculture and Markets Law, §108 may annually make an application for a purebred license, in lieu of or in addition to the individual licenses required by this local law. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

The purebred dog license application shall state the name, address and telephone number of the owner; the county and town where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

The application shall be accompanied by the license fee prescribed by this local law and a certificate of rabies vaccination or statement in lieu thereof, as required by this local law and article 7 of the State Agriculture and Markets Law.

Upon receipt of the foregoing items, the clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

The Town Clerk shall:

- (i) provide a copy of the purebred license to the owner;
- (ii) retain a record of the purebred license in the office of the Town Clerk.

No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

Fees

\$25.00, if no more than ten (10) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

\$50.00, if no more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

\$100.00, if more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

Each Purebred Dog License shall be subject to an Animal Population Control Surcharge in the amount of \$3.00 payable at the time the dog license application is filed.

Section 13 Prohibitions

It shall be unlawful for any owner of any dog to permit or allow such dog within the Town to:

- (A) Be at large.
- (B) Engage in habitual loud howling, barking, crying, or whining, or to conduct itself in such a manner as to unreasonably and habitually annoy any person.
- (C) Cause any damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog.
- (D) Chase or otherwise harass any person in such a manner as reasonably to cause intimidation, or to put such person in reasonable apprehension of bodily harm or injury.
- (E) Habitually chase, run alongside of, or bark at motor vehicles, bicycles, joggers, walkers or other wheeled vehicles.
- (F) Snap at or bite a person. The snapping at or biting a person by a dog while at large shall be deemed a nuisance.

Section 14 Enforcement

This Local Law shall be enforced by any Dog Control Officer under contract to the Town; by a New York State Police Officer; by an Otsego County Sheriff or Under Sheriff or Deputy Sheriff; or a Town of Plainfield Justice.

Section 15 Seizure of Dogs, Disposition

(A) Any dog found in violation of this Local Law may be seized pursuant to the Agriculture and Markets Law of New York State.

(B) Every dog seized shall be properly cared for, sheltered, fed, and watered for the redemption periods set forth in the Agriculture and Markets Law of New York State.

(C) Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the Agriculture and Markets Law of New York State and by paying the impoundment fees set forth in the said Law.

(D) If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees for in the Agriculture and Markets Law of New York State whether in not such owner chooses to redeem his or her dog.

(E) Any dog unredeemed at the expiration of the appropriate redemption period shall be available for adoption or euthanized pursuant to the Agriculture and Markets Law of New York State.

(F) Any facility under contract with the Town for the purpose of sheltering captured dogs shall agree to collect all impoundment fees, including any other additional costs incurred by that facility of said dog, until reclaimed by the dog owner. These monies shall then in a timely fashion be forwarded to the Town. The contracted facility will then bill the Town for the same amount collected. All impoundment fees are to be in accordance with the Agriculture and Markets Law of New York State and the agreement between the contracted facility and the Town.

Section 16 Filing of Complaints

Any person who observes a dog in violation of this Local Law may file a complaint either verbally or in writing with any Dog Control Officer under contract to the Town; a New York State Police Officer; an Otsego County Sheriff or Under Sheriff or Deputy Sheriff; or a Town of Plainfield Justice. The complaint should specify the nature of the violation, the date thereof, a description of the dog, and name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this Local Law.

Section 17 Appearance Tickets

Any Dog Control Officer under contract to the Town; a New York State Police Officer; an Otsego County Sheriff or Under Sheriff or Deputy Sheriff; or a Town of Plainfield Justice acting upon a complaint received in accordance with this Local Law and after determining a violation exists, may issue and serve an appearance ticket for such violation.

Section 18 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; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation.

Section 19 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 20 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 21 Effective Date

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