

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

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.

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STATE RECORDS

NOV 19 2010

DEPARTMENT OF STATE

Town of Hammond

Local Law No. 4 of the year 2010

A Local Law to Regulate the Licensing, Identification and Control of Dogs within the Town of Hammond

(Insert title)

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

(Name of Legislative Body)

Section 1. Title:

The title of this Law shall be Dog Licensing and Control Law of the Town of Hammond, County of St. Lawrence.

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 Sections 10 and 20 of the Municipal Home rule Law of the State of New York.

Section 3. Purpose:

The Town Board of the Town of Hammond, County of St. Lawrence hereby finds that in view of new State Laws imposing increased responsibility on the Town for the licensing of dogs and dog control that it is necessary to have a global revision of all prior regulations of the Town with respect to licensing of dogs and dog control. It is the purpose of this law to adopt comprehensive regulations for the licensing of dogs and dog control issues within the Town.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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 Law, and as may thereafter be amended from time to time.

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

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 : 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 applicable 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 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 the filing of any complaint charging a violation of this Local Law shall be deemed to be the owner of such dog

OWNER OF RECORD: The person in whose name a dog was last licensed pursuant to this Law.

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 Hammond, County of St. Lawrence, State of New York.

TOWN: The Town of Hammond, County of St. Lawrence, State of New York

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

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 manner as to reasonable 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) If a female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Section 6: 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 7: 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 8: 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 9: 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 10: Term of License and Renewals

The applicant shall have the option of purchasing either a one year license or a three year license upon payment of the applicable fee. Each license issued pursuant to this local law 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 11: Fees

The Town Board of the Town of Hammond, County of St. Lawrence, is hereby authorized to adopt and establish by resolution a schedule of fees for dog license, enumeration, and the State mandated Animal Population Control Surcharge. The Town Board may exercise its authority under this Section to adopt and amend such schedule of fees as it deems appropriate. Notwithstanding the foregoing, the fee for individual dog licenses for an unspayed or unneutered dog shall be no less than \$5.00.

Section 12: Service Dog Exemption from License Fees

There shall be no fee for any license issued for the following types of dogs, as defined in Article 7 of the State Agriculture and Markets Law: guide dog; hearing dog; service dog; war dog; working search dog; detection dog; police work dog; and therapy dog. Each license for such dog shall be conspicuously marked either "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog", as may be appropriate.

Section 13: Issuance of License; identification tag

- A. Upon validation by the Town Clerk, 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, pursuant to the Schedule of Fees as established by the Town Board.

Section 14: 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 15: Penalties

- (a) For a first violation a fine of no less than \$25.00 nor more than \$100.00.
- (b) For a second offense within a one year period, a fine of no less than \$50.00 nor more than \$150.00.
- (c) For a third or subsequent offense within a one year period, a fine of no less than \$75.00 nor more than \$200.00.

Section 16: 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 17: 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 18: Effective Date

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **(Final adoption by local legislative body only.)** I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2010 of the Town of Hammond was duly passed by the Board of Trustees on November 8, 2010, in accordance with the applicable provisions of law.

2. **(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20____, in accordance with the applicable provisions of law.

3. **(Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20____, in accordance with the applicable provisions of law.

4. **(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

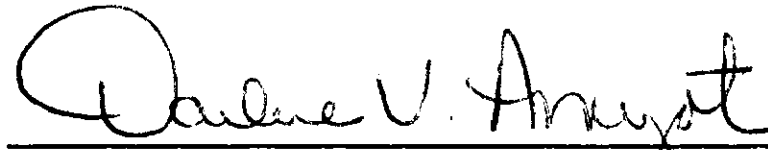
I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20___ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20___, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November __, 20___, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Darlene Amyot
Clerk, of the Town Hammond

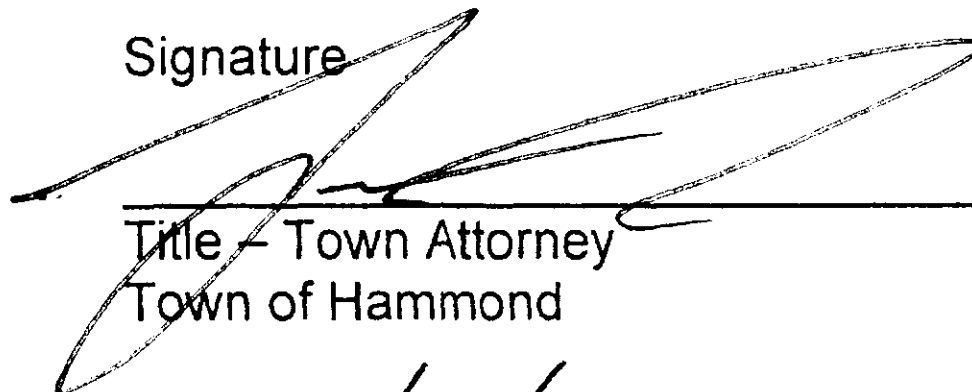
Date: 11/16/10

(seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature



Title - Town Attorney
Town of Hammond

Date: 11/10/10