

Mark McLain

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Sent: Tuesday, January 11, 2011 4:02 PM
Subject: LOCAL LAW

**TOWN OF LAKE LUZERNE
Local Law # 3 of the Year 2010**

A local law of the Town of Lake Luzerne relating to the licensing of dogs.

Be it enacted by the Town Board of the Town of Lake Luzerne as follows:

Control of Dogs

Section 77-1 Statutory authority.

This Article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by Chapter 59, Part T, of the laws of 2010, and as may be subsequently amended or revised.

Section 77-2 Purpose.

The purpose of this Article shall be to preserve public peace and good order in the Town of Lake Luzerne and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the Town of Lake Luzerne.

Section 77-3 Definitions.

All terms not specifically defined herein shall have the meaning assigned to such terms within Section 108 of the Agriculture and Markets Law of the State of New York. As used in the Article the following terms shall have the meanings indicated:

AT LARGE - Off the premises of the owner.

DOG WARDEN/ANIMAL CONTROL OFFICER - A person or persons appointed by the Town for the purpose of enforcing this Article.

LEASHED - Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER - The person entitled to claim lawful custody and possession of a dog and 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 Warden/Animal Control Officer, or any peace officer, and a reasonable search was made. If a dog is not licensed, the term

“owner” shall designate and cover any person or person, 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 in, brought into or comes within the Town. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this Article shall be held and deemed to be the “owner” of such dog for the purpose of the Article. In the event that the “owner” of any dog found to be in violation of this Article shall be under 19 years of age, any head of the household in which said minor resides 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 Article.

Section 77-4 Prohibited Acts.

It shall be unlawful for any owner of a dog in the Town of Lake Luzerne permit or allow such dog to:

- A. Run at large, unless the dog is retrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Article, a dog or dogs hunting in company or a hunter or hunters shall be considered as accompanied by its owner.
- B. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harbored of the dog.
- C. Cause damage or destruction to public or private property, defecate, urinate or otherwise commit a nuisance upon the property of other than the owner or harbored of the dog.
- D. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- E. Chase, leap on or otherwise harass bicycles or motor vehicles.
- F. Kill or injure any dog, cat or other household pet.
- G. Be unlicensed when four months of age or older.
- H. Not have a current and valid Town of Lake Luzerne identification tag on its collar while at large, whether or not restrained by an adequate leash.
- I. For an owner to have more than 4 dogs in a single household.

Section 77-5 Female Dogs.

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Warden/Animal Control Officer, or any peace officer, and removed to a safe place of confinement.

Section 77-6 Conditions For Keeping Dogs.

All premises occupied or used by dogs shall be kept in a clean, sanitary condition. Failure to provide adequate food, water or space shall subject dogs to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises. Upon conviction of the owner or harbinger, the dogs become the property of the Town of Lake Luzerne to be released to an authorized humane society, veterinarian or kennel for adoption or euthanasia.

Section 77-7 Licensing Of Dog; Fees.

- A.** License required. All dogs in the Town of Lake Luzerne shall be licensed with the Town Clerk by the age of four months and any person applying for a dog license shall present a current certificate of rabies vaccination at the time of making application for a license or for the renewal of an existing license.
- B.** Expiration of license. All dog licenses shall be valid for a period of one year and shall expire at the end of the month one year from the date of issuance.
- C.** License fees. \$ 7.00 - for a spayed or neutered dog.
 \$15.00 - for an unspayed or unneutered dog.
 \$ 3.00 - for a replacement tag
- All of the above include permissible surcharges as part of the animal population control, which is authorized by the Agriculture and Markets Law of the State of New York.
- D.** Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to the owner of any dog found unlicensed or for which the license has not been renewed at the time the enumeration is conducted.
- E.** Purebred license. The Town of Lake Luzerne shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated above.
- F.** Service dogs. The Town of Lake Luzerne shall require a license for any guide dog, service dog, hearing dog or detection dog, the license fee will be waived as those terms are defined by Article 7 of the Agriculture and Markets Law.
- G.** Shelters. The Town of lake Luzerne does not allow the licensing of dogs by a shelter. The shelter shall send the adoptive dog owners to the Clerk of the town or city in which the dog will be harbored for licensing or to the Town Clerk of the Town of Lake Luzerne where the shelter is located for the purchase of the license for adoption purposes.
- H.** All dog licenses shall be purchased at the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.
- I.** All fees shall be used in funding the administration of the Dog Control of the Town of Lake Luzerne.

- J.** 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.

K. 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 time.

- 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.

Section 77- 8 Seizure of dogs; redemption; disposition; impoundment fee.

The Dog Warden/Animal Control Officer, or any peace officer, shall seize any unlicensed dog whether on or off the owner's premises and/or any dog not wearing a tag, not identified and not on the owner's premises.

- A.** If a dog seized wearing an identification tag (license tag), it shall be held for a period of no less than five days.

- B.** The fees for any seizure and impoundment of each dog in violation of Article 7 of the Agriculture and Markets Law or of Article III of this chapter are as follows:

- (1.)** For the first impoundment: \$30.00 plus the prevailing charge to the Town of Lake Luzerne for each day of impoundment.

(2.) For the second impoundment: \$40.00 plus the prevailing charge to the Town of Lake Luzerne for each day of impoundment.

C. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

Section 77-9 Record of Seizure.

Upon taking custody of any animal, the Dog Warden/Animal Control Officer, or any peace officer, shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location or release and name and address of owner, if any.

Section 77-10 Complaints.

Any person who observes a dog in violation of any section of this Article may file a signed complaint, under oath, with a Justice of the Town of Lake Luzerne or with the authorized Dog Warden/Animal Control Office or any peace officer, specifying the violation, the date of violation, the damage caused and including place(s) violation occurred and the name and address of the dog owner, if known.

Section 77-11 Enforcement.

The Dog Warden/Animal Control Officer of the Town of Lake Luzerne shall, and all peace officers may, administer and enforce the provisions of this Article and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off the owner's premises, if witnessed to be in violation of this article.

Section 77-12 Impeding Dog Warden/Animal Control Officer Unlawful.

No person shall hinder, resist or oppose the Dog Warden/Animal Control Officer or peace officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this Article.

Section 77-13 Disclaimer of Liability.

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a Dog Warden/Animal Control Officer or peace officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

Section 77-14 Penalties for Offenses.

Any violation of this Article shall be punishable for each violation, by a fine of not more less \$100.00 but not more than \$300.00.

Section 77-15 Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 77-16 Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 77-17 When Effective.

This local law shall take effect January 1, 2011, after filing with the Secretary of State of the State of New York.