

TOWN OF KEENE
DOG LICENSING AND CONTROL LAW
LOCAL LAW # 3 OF 2010

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK, AS FOLLOWS:

SECTION 1: TITLE:

Title: The Title of this Law shall be Dog Licensing and Control Law of the Town of Keene, County of Essex.

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 Keene, County of Essex 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 with Section 108 of the Agriculture and Markets Law of the State of New York.

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, and the telephone number of the Town Clerk.

OWNER: Any person who harbors or keeps any dog or other animal.

OWNER OF RECORD: 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 or individual who maintains a residence within the Town of Keene, County of Essex, State of New York.

TOWN: means the Town of Keene, County of Essex, 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 a 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 **OR** to the Town Clerk of the Town, where the Shelter is located for the purchase of the license for adoption purposes.

SECTION 7: 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 8: TERM OF LICENSE AND RENEWALS

Each license issued pursuant to this local law, shall be valid for a period of one (1) year and shall expire on the last day of the month 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 9: FEES

(A) Individual Dog License Fee

\$ 5.00 for a spayed or neutered dog

\$10.00 for an unspayed or un-neutered 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 un-neutered 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) REPLACEMENT TAG FEE

A replacement tag fee of \$10.00 will be assessed to offset the costs associated with the replacement of a dog's lifetime identification tag number or a fee of \$5.00 will be assessed to offset the costs of acquiring a new number supplied by the Town Clerk.

(D) FEE EXEMPTIONS

There shall be no fee for any license issued for the following:

- guide dog,
- hearing dog,
- service dog,
- war dog,
- working search dog,
- detection dog,
- police work dog,
- therapy dog

(all 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 10: 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 identification tag on record in the Town Clerk's office 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

- 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.
- An identification tag is not required to be worn while the dog is participating in a dog show.
- 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.
- 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.

- 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 \$10.00 to keep the same identification number or \$5.00 to replace this number with a new number, to be determined by the Town Clerk.

SECTION 11: 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 not be required to comply with this local law.

SECTION 12: 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 13: 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 14: 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 section, subsections, sentences, clauses or part of this ordinance.

SECTION 15: EFFECTIVE DATE

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