

## LOCAL LAW NO 1 OF 2012

### AMENDING LOCAL LAW NO. 1 OF 2011, ENTITLED DOG CONTROL IN THE TOWN OF PIERCEFIELD, ST. LAWRENCE COUNTY, NEW YORK

#### **Purpose:**

This Local Law is enacted this 10<sup>th</sup> day of May, 2012 by the Town Board of the Town of Piercefield, St. Lawrence County, New York pursuant to the provisions of any applicable St. Lawrence County and New York State law, for the purpose of:

- regulating and controlling domestic dog ownership within the Town of Piercefield
- holding dog owners accountable for the activities of their dogs and for costs involved in the administration of the dog control program
- ensuring the safety and health of dogs, other animals, and people within the Town
- preserving a quiet and peaceful lifestyle for all Piercefield residents
- amending Local Law No. 1 of 2011.

#### **Section 1: Previous Dog Ordinance**

This Local Law shall supersede and revoke any previous Law or Ordinance which the Town of Piercefield has enacted for the purpose of Dog Control.

#### **Section 2: Definitions**

**Dog** – any domestic male or female dog, whether or not spayed or neutered.

**Owner** - any person who keeps, harbors, or has custody, care, or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this Local Law. Any person caring for another's dog shall renew the dog's license, if expired, in the name of the actual owner. Ownership does not change, and the actual owner retains full responsibility for a custodian adhering to this Local Law.

**At Large** - any dog off the premises of the owner on any public or private lands without the knowledge, consent or approval of the owner of such lands.

**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.

**Dog Control Officer (DCO)** - a person or persons appointed annually by the Town Board for the purpose of enforcing this Local Law and any applicable St. Lawrence County or New York State law.

### Section 3: Fees

- a. Dog license fees as determined by the Town Board shall be charged to dog owners and shall be used to cover the costs of administering the Dog Control Program. Said costs include but are not limited to license tags, dog census, and Local, State, and County fees.
- b. Dog License fees shall be reviewed and approved at least annually by the Town Board and adjusted as necessary by Board Resolution to cover the actual costs of administering the Dog Control Program. Dog license fees are not refundable, and shall not be pro-rated.
- c. By New York State Law, license fees for unspayed/unneutered dogs must be at least \$5.00 more than those of spayed/neutered dogs.

### Section 4: Licensing

- a. By New York State Law, all dog owners residing in the Town of Piercefield shall have a valid Piercefield Town and/or St. Lawrence County Dog License and their dog shall wear a license tag on the collar. The license tag shall at least display a serial number, Town and/or County name, "New York State" and telephone number of the Town license issuing office. **Note:** Previously issued New York State dog license tags shall remain valid until the license expires or until lost, whichever comes first. Replacement license tags shall be obtained immediately by the owner from the Town Clerk for a fee to be set at least annually by the Town Board. Dogs over four months of age with no valid license tag attached shall be considered unlicensed and in violation of this Local Law.
- b. All dog owners shall obtain the initial license in person from the Town Clerk for each dog more than four months of age within 30 days. Proof of valid Rabies vaccination or proof of exemption is required.
- c. All dog licenses shall be renewed annually for the life of the dog. If the Dog Control Program is not administered by St. Lawrence County, the Town Clerk shall send written notice to each dog owner approximately 30 days in advance of the license renewal date. The Town Board shall review the renewal process at least annually and shall adjust expiration/renewal schedules as necessary for the smooth administration of the license renewal process.
- d. Proof of valid Rabies Vaccination or exemption therefrom shall be provided by the owner at the time of every dog license renewal, regardless of whether the rabies vaccination is of the one year or three year variety.
- e. By New York State Law, dog licenses are not transferrable, even among family members. Change of ownership requires the purchase of a new license. License tags are not transferrable to other dogs.

- f. New resident dog owners in the Town of Piercefield shall obtain a new dog license within 30 days of becoming residents.

### **Section 5: Service Dogs**

Certified service dogs shall be licensed at no charge. Service dogs shall include guide dogs, hearing dogs, war dogs, working search dogs, contraband detection dogs, police work dogs, or therapy dogs.

### **Section 6: Enumeration**

The DCO shall conduct a census of dogs in the Town of Piercefield at the discretion of and by order of the Town Board. A per-dog enumeration fee, set by the Town Board, shall be charged to dog owners in any year that a census is conducted. Resident owners of unlicensed dogs over four months of age discovered by the DCO at time of enumeration shall be charged by the DCO to license said dogs with the Town Clerk within 30 days. The DCO shall notify the Town Justice and Town Clerk of said discovery. If after 30 days the dogs have not been licensed, the Town Justice shall summon the alleged owner to appear in person before him or her for a hearing, at which the DCO and/or Town Clerk and owner shall have an opportunity to be represented by counsel and to present evidence.

### **Section 7: Commercial Enterprises**

- a. Any person operating a kennel or conducting any other activity which may employ the use, training, breeding, purchase, or sale of dogs for any purpose which may be construed as a commercial enterprise shall not conduct said activities without the express written permission of the Piercefield Town Planning Board and the Piercefield Town Board, in accordance with all Piercefield, St. Lawrence County, New York State, and Federal laws governing such activities. The Town of Piercefield shall cause a Cease and Desist Order to be issued to any person conducting said activities within the Town of Piercefield pending compliance with all requirements stipulated by the Piercefield Town Planning Board.
- b. The Town of Piercefield may issue Purebred Dog Licenses for dogs over four months of age for a fee set by the Town Board for each dog, in addition to the purebred license fees required by New York State.
- c. For purebred licenses, one tag shall be furnished with the license. The owner shall procure, at his/her own expense, tags imprinted with the same number as the purebred license for the total number of dogs included on such license. These tags may be used only on dogs owned and harbored by the holder of the purebred license.

- d. No person shall harbor, possess, own, breed train, purchase, sell, or in any other way be associated with any dog or person for dog fighting activities, or any gambling activity involving the use of dogs, for any purpose.

### **Section 8: Town Beach**

In the interest of Public Health and pollution control, no dogs except certified service dogs shall be permitted on Town owned beach property at any time.

### **Section 9: Regulations And Restrictions**

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

- a. Run at large unless the dog is leashed or accompanied by its owner or a responsible person able to control it by command
- 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 of the dog
- c. Cause damage or destruction to public or private property or commit a nuisance upon any property other than the owner 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 person in reasonable apprehension of bodily harm or injury
- e. Chase, leap on, or otherwise harass persons on bicycles or in motor vehicles
- f. Kill or injure any dog, cat, or other household pet
- g. Be unlicensed when four months of age or older
- h. Fail to have a current and valid Piercefield, St. Lawrence County, or New York State identification tag on its collar while at large, whether or not restrained by an adequate leash, and
- i. If a female dog, be off the owner's premises when in heat if not under physical control by its owner.

### **Section 10: Dog Population Density**

- a. The maximum number of dogs allowed per household in the Town of Piercefield shall be three dogs. Persons or households keeping more than three dogs as of the effective date of this Local Law shall not purchase, obtain, possess, or harbor any additional dog until they

have first reduced the number of dogs in their household to two or less.

- b. Dog breeders, kennel operators, and other commercial dog enterprises shall be exempt from the dog population density provisions of this Local Law, provided that they are in compliance with all applicable St. Lawrence County, New York State, and Federal laws, and are in compliance with individually determined Piercefield Town Planning Board requirements for dog population density, location of such commercial dog enterprise, boundary line setback, and any other related requirements.

### **Section 11: Abuse**

No person harboring a dog shall neglect, abuse, injure, starve, or otherwise engage in any activity or lack thereof that is detrimental to the health, cleanliness, or comfort of the dog.

### **Section 12: Violations**

- a. Violations of this Local Law or any applicable St. Lawrence County or New York State laws shall be prosecuted by the DCO and/or any Law Enforcement Officer by means of a summons to appear before the Town Justice to answer charges. The charges shall at the least describe the dog, the nature of the violation, and the date and time of the violation.
- b. Any person witnessing a violation of this Local Law or any applicable St. Lawrence County or New York State law may present a sworn affidavit to the Town Justice with details describing the dog, the nature of the violation, and the date and time of the violation, and any other pertinent or required information. Upon receipt by the Town Justice of any such complaint, he or she shall summon the alleged owner to appear in person before him or her for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence.

### **Section 13: Seizure and Impoundment**

- a. In the event that the Town of Piercefield maintains no animal shelter facility of its own, the Town of Piercefield shall seek to enter into an agreement with the Town of Tupper Lake to place seized dogs in the Tupper Lake facility. Details of redemption, euthanasia, or other disposition of dogs shall be in accordance with St. Lawrence County and New York State law.
- b. If necessary for public safety or for the welfare of the dog, dangerous dogs, injured dogs, malnourished or abused dogs, dogs running at large, and any other dog acting in violation of any applicable provision of this Local Law, St. Lawrence County law, or New York State law, shall be seized by the Town DCO or any Law Enforcement Officer, and impounded in an authorized animal shelter. The owner of the dog shall be sought and

notified if possible by the DCO. Disposition of the dog shall be in accordance with St. Lawrence County and New York State law.

- c. No action shall be maintained against the Town of Piercefield, any duly designated dog control officer, or any other agent or officer of the 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.
- d. Impoundment fees shall be reviewed at least annually by the Town Board, but shall not be less than what is required by New York State law. Dog owners shall be liable for all fees involved in the impoundment of their dogs.

#### **Section 14: Penalty**

- a. Penalties for violations of this Local Law or any applicable St. Lawrence County or New York State law shall be set at the discretion of the Town Justice, but shall not be less than what is required by New York State law.
- b. By New York State law, upon conviction, a violation of this Local Law shall be deemed an offense and punishable by a fine of not less than \$25.00 for the first offense, \$50.00 for a second offense within five years, and \$100.00 for a third offense within five years.

#### **Section 15: Revisions**

Revisions to this Local Law shall be made by Resolution of the Town Board of the Town of Piercefield, St. Lawrence County, New York.

#### **Section 16: Disclaimer**

- a. The provisions of this Local Law shall not supersede any Dog Control Law of St. Lawrence County or New York State.
- b. Any part of this Local Law that is deemed unconstitutional shall be ineffective in and of itself, but all other parts of this Local Law shall remain in full force and effect.

#### **Section 17: Effective Date**

This Local Law shall go into effect upon filing with the New York State Department of State.