

Local Law Filing

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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.

County City Town Village
(Select one.)

of Lyme

FILED
STATE RECORDS

MAR 22 2017

Local Law No. 1 of the year 2017

DEPARTMENT OF STATE

A local law to regulate the licensing, identification and control of dogs within the Town of Lyme.

(Insert Title)

This Local Law is enacted pursuant to the provisions of Article 7 of the NYS Agriculture

and Markets Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of

New York

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Lyme

as follows:

Article 2: Statement of Purpose and Findings: The Town Board of the Town of Lyme, County of Jefferson, hereby finds it necessary to amend current law to reflect the transfer of the responsibility for licensing, identification and control of dogs to the Town of Lyme due to the termination of dog control services heretofore provided by Jefferson County. It is the purpose of this law to adopt comprehensive regulations for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

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

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1. Town of Lyme

Local Law No. 1 of the year 2017

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

ARTICLE 1: Statement of Authority:

This Local Law is enacted pursuant to the provisions of 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.

ARTICLE 2: Statement of Purpose and Findings:

The Town Board of the Town of Lyme, County of Jefferson, hereby finds it necessary to amend current law to reflect the transfer of responsibility for licensing, identification and control of dogs to the Town of Lyme due to the termination of dog control services heretofore provided by Jefferson County. It is the purpose of this law to adopt comprehensive regulations for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

ARTICLE 3: Enactment:

The Town Board of the Town of Lyme hereby enacts as follows:

Section 1: Title:

Dog Licensing and Control Law of the Town of Lyme

Section 2: 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:

- A. "Agriculture and Markets Law" means 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

- B. "Dangerous Dog," as also defined in Article 7, means any dog which, without justification:
- i. Attacks a person or companion animal and causes physical injury or death, or
 - ii. Behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious injury or death to a person, companion animal or domestic animal, or
 - iii. Without justification, attacks a service dog, guide dog or hearing dog and causes physical injury or death
- C. "Dog" means any member of the species canis familiaris
- D. "Identification Tag" means a tag issued by the Lyme Town Clerk which sets forth an identification number, name of the municipality and state of NY, contact information for the Town Clerk and such other information deemed necessary by the municipality
- E. "Owner" means any person who harbors or keeps any dog, is entitled to claim lawful custody and possession of a dog, who is responsible for purchasing the license for such dog. 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.
- F. "Owner of record" means the person in whose name a dog was last licensed pursuant to this Law, except that if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person.
- G. "Person" means any individual, partnership, corporation, association or other organized group of persons, business entity, municipality or other legal entity.
- H. "Resident" means any individual who maintains a residence within the Town of Lyme, County of Jefferson, State of New York.
- I. "Service Dog" means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability.
- J. "Town" means the Town of Lyme, County of Jefferson, State of New York.
- K. "Town Board" means the Town Board of the Town of Lyme.
- L. "Town Clerk" means the Town Clerk of the Town of Lyme.

Section 3: Licensing of Dogs

- A. 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 NYS Agriculture and Markets Law and this Local Law. 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.

- B. 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, pursuant to the authority of this Law. The application for license shall be on a form prescribed by and available from the Town Clerk, either in person or by mail. In no event will there be refunds of fees.
- C. 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.
- D. Licenses issued by Animal Shelters and Pounds:
The Town does not allow the licensing of dogs by a shelter. The shelter MUST send an adoptive dog owner to the Lyme Town Clerk for licensing before the adoption is complete.
- E. 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) consecutive days while within the Town be exempt from the licensing and identification provisions of this local law.
- F. Term of License and Renewals:
Each license issued pursuant to this local law, shall be valid for a period of one year 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.
- G. Fees:
i. The Town Board of the Town of Lyme, County of Jefferson, is hereby authorized to adopt and establish by resolution a schedule of fees for dog license, enumeration, impoundment and replacement tags. The Town Board may exercise its authority under this Section to adopt and amend such schedule of fees as it deems appropriate.
ii. All fees will be used in funding the administration of the Lyme Dog Control Law.
- H. 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
- I. Purebred Dog License and Fee:
There will be no distinct purebred licenses as previously provided for by the State. Any previously issued purebred licenses will now be required to comply with this local law.

J. Issuance of License; Identification Tag:

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. Such record shall be made available upon request to the State Commissioner of Agriculture and Markets, or successor thereof.

K. 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.

L. Change of Ownership; Lost or Stolen Dogs

- i. 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.
- ii. 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.
- iii. 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.
- iv. In the case of a dog's death, the owner of record shall so notify the Town Clerk no later than the expiration date of the license.

L. Identification Tag

- i. The Town Clerk shall assign a 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 4: Restrictions:

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

- (a) Run at large unless the dog is under the full control of its owner or a responsible person with the owner's permission. For the purpose of the Local Law, a dog in the company of a hunter 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 reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) Habitually chase, run alongside 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) Be off the owner's premises or unrestrained by a leash, when in heat.

Section 5: Procedure for Seizure of Dogs

- (a) The Town Dog Control Officer, peace officer or police officer may seize a dog as follows:
 - i. Any unlicensed dog whether on or of owner's premises
 - ii. Any dog not wearing a tag which is not on the owner's premises, and
 - iii. Any dog found to be in violation of paragraphs (a)-(g) of Section 4 of this Local Law, such dog to be kept and managed in accordance with the provisions of Article 7 of NYS Agriculture and Markets Law and in conformity with any order of the Town Justice of the Town of Lyme.
- (b) The Dog Control Officer or peace officer observing a violation of this Local Law shall issue an appearance ticket for such violation.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town of Lyme Justice Court specifying the nature of the violation, the date thereof, a description of the dog and the name and residence of the owner, if known. Such complaint may serve as a basis for enforcement of the provisions of this Law.

Section 6: Violations:

1. It shall be a violation, punishable as provided in subdivision two of this section, for:
 - (a) any owner to fail to license any dog;
 - (b) any owner to fail to have any dog identified as required by this article;
 - (c) any person to knowingly affix to any dog any false or improper identification tag, or tag for identifying guide, service or hearing dogs;
 - (d) any owner or custodian of any dog to fail to confine, restrain or present such dog for any lawful purpose under this article;
 - (e) any person to furnish false or misleading information on any form to be required to be filed with the Town of Lyme
 - (f) the owner or custodian of any dog to fail to exercise due diligence in handling his or her dog that results in harm to any guide, hearing or other service dog;
 - (g) any owner of a dog to fail to notify the municipality in which his dog is licensed of any change in ownership or address;

2. It shall be the duty of the Lyme Dog Control Officer to bring an action against any person who commits any violation set forth in subdivision one of this section. The Town of Lyme may elect to prosecute such action as a violation under the penal law or to commence an action to recover in a civil penalty.

- (a) First violation: a fine of no less than \$25.00
- (b) Second offense within a five year period: a fine of no less than \$50.00
- (c) Third or subsequent offense within a five year period: a fine of no less than \$100.00

Section 7: 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 and control 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 8: 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 9: Effective Date

This local law shall be effective January 1, 2017 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. 1 of 2017 of the (County)(City)(Town)(Village) of Lyme was duly passed by the Town Board (Name of Legislative Body) on January 11, 2017, 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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20____.~~

~~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 the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local 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 hereon at the (special)(general) election held on _____ 20____, became operative.~~

~~(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 towns 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.

(Seal)

Kim Wallace
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: Feb 16, 2017