

Town of Norwich

Local Law No. 2 of the year 2015

**A local law for Dog Licensing and Control in the Town of Norwich, New York.**

Be it Enacted by the Town Board of the Town of Norwich as follows:

**Section 1 Title:**

Title: the title of this Law shall be Dog Licensing and Control Law of the Town of Norwich, County of Chenango.

**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 Norwich, County of Chenango 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 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 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, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk.

**OWNER** – means any person who harbors or keeps any dog or other animal.

**OWNER OF RECORD** – means 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 who maintains a residence within the Town of Norwich, County of Chenango, State of New York.

**TOWN** – means the Town of Norwich, County of Chenango, 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 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 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 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 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 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 9 Fees**

- (A) **Individual Dog License Fee**  
\$6.00 for a spayed or neutered dog

\$11.00 for an unspayed or unneutered 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 unneutered 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) Impoundment Fee**

Each individual dog that has been impounded pursuant to this law shall be subject to an impoundment fee in the amount of \$75.00 or the amount of fees charged to the Town of Norwich by the shelter, whichever is greater, together with the cost for any veterinary/medical treatment provided to the animal during its impoundment, if any, to be paid prior to the return of the dog to the owner.

**(D) Late Fee**

A person who renews the license for their dog more than thirty(30) days after the expiration of said license shall be subject to a \$25.00 late fee.

**( ) Optional Fee Exemptions**

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

- guide dog (as defined in article 7 of the State Agriculture and Markets Law),
- hearing dog, (as defined in article 7 of the State Agriculture and Markets Law),
- service dog, (as defined in article 7 of the State Agriculture and Markets Law),
- war dog, (as defined in article 7 of the State Agriculture and Markets Law),
- working search dog, (as defined in article 7 of the State Agriculture and Markets Law),
- detection dog, (as defined in article 7 of the State Agriculture and Markets Law),
- police work dog (as defined in article 7 of the State Agriculture and Markets Law),
- therapy dog (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 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. Any person wishing to replace a tag previously issued shall pay the sum of \$2.00 dollars to the Town Clerk for a replacement tag.

### **Section 11 Prohibited Acts**

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

- (A) Run at large.
- (B) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually annoy and/or disturb any person other than the owner.
- (C) Cause damage or destruction to property or defecate, urinate, dig or otherwise commit a nuisance other than on the property of the owner of such dog.
- (D) Chase, jump upon or at, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
- (E) Chase, run alongside of, bark at or otherwise harass any motor vehicle, motorcycle, bicycle, carriage or any other vehicle or device used by persons for travel or any riders or occupants thereof while said vehicle or device is on a public highway or private property other than property of the owner of said dog. For purposes of this section, a horse or other animal shall be considered a vehicle or device.
- (F) Fail to license any dog at the age of four (4) months or older, or allow any dog to be unlicensed due to failure to renew a dog license.
- (G) Fail to have any dog identified by a valid and current Town of Norwich dog license identification tag.
- (H) Knowingly affix to any dog any false or improper identification tag or any identification tag belonging to another dog.
- (I) Fail to confine, restrain or present such dog for any lawful purpose pursuant to this Local Law or Article 7 of the New York State Agriculture and Markets Law.
- (J) Furnish any false or misleading information on any license or form, required by the Town of Norwich, the Town of Norwich Dog Control Officer, or any shelter or pound servicing the Town of Norwich.
- (K) Fail to notify the Town Clerk of any change of ownership, change of address, death or loss of any dog the owner has licensed in the Town of Norwich.

Establishment of the fact or facts that one of the above described acts has been committed shall be presumptive evidence against the owner of such dog that he/she has failed to properly confine, leash or control his/her dog.

### **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 sections, subsections, sentences, clauses or part of this ordinance..

**Section 15 Effective Date**

This local law shall be effective January 1, 2016 after filing with the Secretary of State.