

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 Cuyler

**FILED
STATE RECORDS
DEC 23 2010
DEPARTMENT OF STATE**

Local Law No. 2 of the year 2010

A local law Licensing and Control of Dogs in the Town of Cuyler
(Insert Title)

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

County City Town Village
(Select one.)

of Cuyler

as follows:

Section 1: Title

The title of this Local Law shall be, "Licensing and Control of Dogs in the Town of Cuyler."

Section 2: AUTHORIZATION:

This Local Law is adopted pursuant to Article 7 of Agriculture and Markets Law of the State of New York.

Section 3: PURPOSE:

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and other animals from dog attack and damage.

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

Section 4: DEFINITIONS:

As used in this Local Law, the following terms shall have the meanings as indicated:

ALTERED: shall refer to a dog that has been spayed or neutered.

CUSTODIAN: means any person having possession or guardianship of any dog who is not the owner of the dog.

DANGEROUS DOG: means any dog which, (a) without justification attacks a person or another animal and causes physical injury or death or (b) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons or animals and (c) this definition will not include a Police Work Dog while being used to assist one or more Law Enforcement Officers.

DOG: means any male or female, licensed or unlicensed member of the species *Canis Familiarias*.

DOG CONTROL OFFICER: means any individual appointed by the Town of Cuyler to enforce any and all New York State Agriculture and Markets Laws and Local Laws regulating animals, including dogs.

HARBOR: means to provide food and/or shelter to any dog.

IDENTIFICATION TAG: means a tag issued by the Town of Cuyler which is the official identification number assigned to a specific dog.

IDENTIFIED DOG: means any dog carrying an identification tag as required by this Local Law.

LICENSE EXPIRATION DATE: means the expiration date as noted on the issued dog license.

OWNER: means any person who harbors or keeps a dog. Any person owning or harboring a dog for a period of one (1) week in the Town of Cuyler shall be held and deemed the owner of such dog for purposes of this Local Law. If the person is under eighteen (18) years of age, the owner shall be deemed to be the parent or guardian of such person.

OWNER OF RECORD: means the person in whose name any dog was last licensed. If any license was or is issued on application of a person under eighteen (18) years of age, the owner of record shall be deemed to be the parent or guardian of such person.

RUN AT LARGE: means to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

TOWN: means the area within the corporate limits of the Town of Cuyler.

TOWN BOARD: means the Town of Cuyler Board.

TOWN CLERK: means the Clerk of the Town of Cuyler, where dog licenses are issued pursuant to this Local Law.

UNALTERED: shall refer to any dog that is not spayed or neutered.

Section 5: APPLICATION:

- A. This Local Law shall apply to all areas of the Town of Cuyler.
- B. Any dog harbored within the Town of Cuyler which is owned by a non-resident of the Town of Cuyler and licensed pursuant to the provisions of law of the area of residence shall, for a period of thirty (30) days, be exempt from the licensing and identification provisions of this Local Law.
- C. This law does not apply to dogs of any age which are confined to the premises of a private or public hospital devoted to the treatment of sick animals or held at a shelter pursuant to a contract or agreement with any county, city, town, village, or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association.
- D. A dog participating in a dog show shall be exempt from the identification requirement of Section 5(B) of this Local Law during such participation.

Section 6: LICENSURE:

A. APPLICATION FOR NEW LICENSE:

- 1. All dogs over four months in age are required to be licensed.
- 2. The application must be accompanied with a proof of rabies vaccination and proof of being spayed or neutered if applicable; such certification must be signed by a licensed veterinarian to be deemed valid in order to obtain a dog license. In lieu of proof of rabies vaccination or being spayed or neutered, an applicant may submit a statement by a certified veterinarian stating that the dog is too young or too old or for some other reason cannot be vaccinated or spayed or neutered.
- 3. Dog licenses shall be issued for a period of one (1) year.
- 4. The owner of any dog shall notify the Town Clerk of a change of address, ownership or death of the licensed dog.
- 5. The Town of Cuyler does not allow the licensing of dogs by a shelter. A 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.
- 6. A dog license issued by the Town of Cuyler is non-transferrable. Upon the transfer of ownership, the new owner shall immediately make application for a license for such dog.
- 7. For owners of dogs residing in the Town of Cuyler with an existing New York State dog license, the license will remain valid until its expiration date, at which point said owner shall apply for a license from the Town of Cuyler, as detailed in Section 6(B)(2).

B. LICENSED DOG IDENTIFICATION:

1. A Town of Cuyler dog license identification tag will be provided to the owner of the dog and list the assigned Town of Cuyler identification number.
2. Existing New York State dog licenses being renewed or transferred in shall be assigned a Town of Cuyler identification number and a new identification tag shall be issued. The previous license tags shall be surrendered to the Town Clerk.
3. The identification tag must be affixed to a dog collar and worn by the dog at all times.
4. The cost for a replacement tag will be established by resolution of the Cuyler Town Board.

C. LICENSE RENEWAL:

1. At the beginning of each month the Dog Control Officer (or Town Clerk) shall mail a reminder and a license renewal form to all owners of dogs whose license will expire at the end of that month.
2. All licenses shall expire on the last day of the last month for which it is issued.
3. A new rabies certificate shall be required if the one on record has expired or expires within thirty (30) days of the date of renewal. A spay or neuter certificate shall not be required if one is already on file with the Town Clerk.
4. For those owners who fail to renew the license, the Dog Control Officer (or Town Clerk) shall mail a late renewal fee invoice for a fee established by resolution of the Cuyler Town Board and a warning that failure to renew the license, within a specified time, shall result in the issuance of a court appearance ticket.

D. LICENSE FEES:

1. All applications for original licenses or renewals shall be accompanied by a fee established by resolution of the Cuyler Town Board; said fee schedule can be amended by resolution of the Cuyler Town Board from time to time. The total fee for an unaltered dog shall be at least five (5) dollars more than the total fee for an unaltered dog.
2. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, given away, surrendered or deceased before the expiration of the license.
3. An additional fee may be established by resolution of the Cuyler Town Boards should a dog be identified as unlicensed during an enumeration.
4. In addition to the fees set by the Town Board, an assessment of \$3.00 for each unaltered dog and \$1.00 for each altered dog shall be charged for the purpose of carrying out population control efforts as mandated by Article 7 of the New York State Agriculture and Markets Law.
5. Guide dogs and other service dogs shall be exempt from licensing fees under this Local Law.
6. The most recent fee schedule will be kept on file at the Office of the Town Clerk and will be available for public viewing.

E. PUREBRED LICENSE:

1. The owner of two or more purebred dogs registered by a nationally recognized registry association may make an application to the Town Clerk for a purebred license in lieu of the individual licenses required by Subdivision 1 of this Section.
2. All dogs over four months of age must be listed and included in the purebred license.
3. Application for a purebred license shall be on a form provided by the Town Clerk and shall include rabies vaccination certification as specified in Part 2 of the Section for every dog listed on the license. Certification for any spayed/neutered dog shall be included as specified in Part 3 of this Section.
4. Fees for purebred licenses shall be determined by resolution of the Cuyler Town Board.
5. In addition to the fees set by the Town Board, as assessment of \$1.00 for each spayed/neutered dog and \$3.00 for each unspayed/unneutered dog shall be charged for the purpose of carrying out population control efforts as mandated by Article 7 of the Agriculture and Markets Law of the State of New York.
6. A comprehensive list of registry numbers and associations shall be required to be submitted with the application.
7. Purebred licenses shall be issued for one year and renewed annually and shall not be transferable.

Section 7: PROHIBITED ACTS

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

- A. Run at large unless the dog is restrained by an adequate leash or unless it is accompanied by its owner or a responsible person and under the full and immediate control of such owner or person. For the purpose of the local law, a dog or dogs hunting in company of a hunter or hunters shall be considered as accompanied by its owners.
- B. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner thereof.
- C. Uproot, dig, or otherwise damage any vegetables, lawns, flowers, garden beds, or other property without the consent or approval of the owner thereof.

- D. Bite, chase, jump upon 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. Habitually chase, run alongside of 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. If a female dog when in heat, be off the owner's premises unrestrained by a leash.
- H. Kill or injure any dog, cat or other household pet.
- I. Be unlicensed when four months of age or older.
- J. Fail to license any dog as required under this Local Law.
- K. Fail to renew a dog license on or before the license expiration date.
- L. Knowingly affix to any dog a false or improper identification tag.
- M. Furnish any false or misleading information on any forms required by the Town of Cuyler to obtain a dog license.

Section 8: DANGEROUS DOGS:

The determination of a dangerous dog and the prosecution of the owner of such a dog shall be pursuant to Article 7 of the Agriculture and Markets Law.

Section 9: PRESUMPTION:

Establishment of the fact or facts that the owner of a dog failed to properly license and identify his/her dog as licensed shall be presumptive evidence that the owner or person harboring said dog is not in compliance with provisions of this Local Law. Establishment of the fact or facts that a dog has committed any of the prohibited acts under Section 6 of this Local Law shall be presumptive evidence against the owner of such dog that he or she has failed to properly confine, leash or control his/her dog.

Section 10: ENFORCEMENT

- A. Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice or the Dog Control Officer of the Town of Cuyler specifying the nature of the violation, the date thereof, a description of the dog and the name and a

residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.

- B. Any Dog Control Officer or other persons lawfully authorized by the Town shall, and all peace officers may, administer and enforce the provisions of the Local Law, and for such purposes shall have the authority to issue appearance tickets.

Section 11: SEIZURE, IMPOUNDMENT AND REDEMPTION:

- A. Any dog found in violation of any of the provisions of this Local Law may be seized and impounded and properly cared for, sheltered, fed and watered.
- B. Seized dogs may be redeemed by producing proof of licensing and identification and paying any and all fees, levied fines and related expenses associated with the dog.
- C. If the owner of any unredeemed dog is known, such owner shall be required to pay any fees, levied fines or related expenses associated with the dog whether or not such owner chooses to redeem his or her dog.
- D. Any dog unredeemed after a thirty (30) day redemption period shall be made available for adoption or euthanized.
- E. Owners of licensed and unlicensed dogs may be required to pay an impoundment fee established by the resolution of the Cuyler Town Board.

Section 12: PENALTIES:

Any person convicted of a violation of this law shall be prosecuted pursuant to penal law, by a fine not less than \$25.00 for a first violation, not less than \$50.00 for a second violation within five years of the first violation, and not less than \$100.00 or imprisonment for not more than fifteen (15) days or both for any subsequent violations within the preceding five years.

Section 13: NONLIABILITY

No action shall be maintained against the Town of Cuyler or any person lawfully performing duties pursuant to this Local Law to recover the possession or value of any dog, or for damages or injuries or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law. The Town of Cuyler shall not be held liable for any damage done by any dog.

Section 14: EFFECTIVE DATE:

This Local Law shall take effect the 1st day of January 2011.

Section 15: SEPARABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 16: REPEALER

This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the licensing of dogs within the Town of Cuyler, and they shall be upon the effectiveness of this Local Law, null and void.

(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. 2 of 2010 of the ~~(County)(City)~~(Town)(Village) of Cuyler Town Board was duly passed by the (Name of Legislative Body) on December 9, 2010, 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 (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 thereon at the (special)(general) election held on _____ 20____, became operative.

6. (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.

Wendy J. Custer

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

Date: 12/17/10

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF CORTLAND

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Town Attorney
Title

County
City of Cuyler
Town _____
Village _____

Date: 12/20/2010