

Local Law #4-2010

Dog Licensing and Control Law of the Town of Clarkson

Be it enacted by the Town Board of the Town of Clarkson

ARTICLE I

Authority, Intent, Title and Definitions

§ 56-1. Authority.

This Local Law is adopted pursuant to the authority granted the Town in Section 10 of the Municipal Home Rule Law, Article 9 of the New York State Town Law and in Article 7 of the New York State Agricultural and Markets Law.

§ 56-2. Legislative intent.

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 deer from dog attack and damage.

§ 56-3 Title.

The title of this Local Law shall be the "Dog Licensing and Control Law of the Town of Clarkson."

§ 56-4 Definitions.

A. Unless otherwise indicated below, the meaning of the words and phrases in this Local Law shall be the same as defined in the New York State Agricultural and Markets Law.

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

CALENDAR DAY

A calendar day includes the time from midnight to midnight.

DANGEROUS DOG

In addition to the definitions set forth in §108, Subdivision 24, of the Agriculture and Markets Law, a dog shall be considered a dangerous dog and subject to the provisions of § 123, Subdivision 3 et seq. of the Agriculture and Markets Law if such dog, without justification, attacks a dog or cat and causes physical injury or death to such dog or cat.

DOG CONTROL OFFICER

The person authorized by the Town Board to enforce the provisions of this Local Law.

ELECTRONIC PET CONTAINMENT SYSTEM

A system which serves as a non-physical means of controlling animals, primarily dogs, on residential property through negative response mechanisms such as static shock, high-frequency sound, or citronella spray when the animal nears a boundary which has been established by the property owner sometimes with a buried wire.

OWNER

Any person who is a licensed owner of a dog, and any person who keeps, feeds or harbors a dog for over one week. The owner need not be a resident of the Town of Clarkson, but for a violation to occur, the dog must be in the Town limits of the Town of Clarkson. Dogs owned by minors shall be deemed to be in the custody and control of such minor's parents or other head of the household where the minor resides.

ARTICLE II

Licensing of Dogs

§56-5. License Required.

A. All dogs within the Town of Clarkson four (4) months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk 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 of Clarkson. 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. Each license issued shall be valid for a period of one year and shall not be transferable.

B. In accordance with §111 of the New York State Agricultural and Markets Law, dogs shall be required to carry the identification tag provided by the Town of Clarkson except that a dog participating in a dog show shall be exempt from the identification requirement during such participation.”

§56-6. Fees and Surcharges.

A. The Town of Clarkson hereby establishes the fee for a dog license issued pursuant to this Local Law at \$9.00 to which amount shall be added \$8.00 if the dog for which the license application is made is unspayed or unneutered.

B. Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs

C. In addition to the license fee established by §56-6A of this law, each applicant for a dog license shall pay a surcharge of \$1.00 if the dog to be licensed is altered, or a fee of \$3.00 if the dog sought to be licensed is unaltered.

D. In addition to the fees and surcharges imposed above, each applicant for a dog license shall pay a surcharge which shall be retained by the Town of Clarkson and used to defray the cost of an enumeration of dogs living within the Town of Clarkson and the cost of providing replacement identification tags. This surcharge shall be determined by resolution of the Town Board from time to time.

ARTICLE III

Restrictions

§ 56-7. Restrictions. It shall be unlawful for any owner of or any person harboring any dog to permit or allow such dog while in the Town of Clarkson to:

A. Run at large unless said dog is restrained by an adequate collar and leash, on said owner's premises or upon the premises of another with the knowledge, consent and approval of the owner of such premises. For the purpose of this article, a dog or dogs hunting in company with a hunter or hunters shall be considered as accompanied by its owner.

B. Engage in habitual loud howling or barking or to conduct itself in such a manner so as to habitually annoy any person other than the owner or person harboring such dog.

C. Cause damage or destruction to property or other animals or commit a nuisance upon the premises of a person other than the owner or person harboring such dog.

D. Chase or otherwise harass any person in such manner as to cause reasonable intimidation or to put such person in reasonable apprehension of bodily harm or injury.

E. Habitually chase or bark at moving vehicles.

F. Run at large with a pack of other dogs or chase children, deer or other animals.

G. Remain within the Town of Clarkson unless cared for in accordance with the provisions of the New York State Agriculture and Markets Law.

§ 56-8. Female dogs.

It shall be unlawful for the owner or person harboring any female dog to permit such dog to run at large when in heat, and such dog shall be confined within a building on the premises of such person during such period.

ARTICLE IV

Electronic Pet Containment Systems

§56- 9. Purpose. Electronic pet containment systems can be an effective way of controlling dogs. Because most of these systems are not apparent to people approaching the area where the dog is contained with such a system, a dog's presence could be misconstrued. Further, because they are a non-physical way of restraint, they are not always effective. As a result, the Town of Clarkson has chosen to establish the following regulations for the installation of these systems.

A. Electronic pet containment systems installed after the effective date of this Local Law shall be installed so that the perimeter or the containment line is as follows:

- 1.** A setback of at least fifteen feet (15') from the front property line.
- 2.** A setback of at least three feet (3') from the side and rear property line.
- 3.** Electronic Pet Containment Systems shall not be installed in any public easement or right of way.

B. It is the responsibility of the owner of the dog to provide for appropriate training and be aware of the appropriate level of correction necessary to contain the dog.

C. It is the responsibility of the owner to account for the temperament of their animal in relying on a non-physical system for animal control. Pets that are not effectively contained within the defined confinement area, or those that have attacked other people or animals, shall be physically restrained by other means.

D. After investigation, the Dog Control Officer may determine that the Electronic Pet Containment System is not appropriate for a given animal and, by written notice, may direct that the animal shall be physically restrained by other means.

ARTICLE V

Enforcement, Impoundment, Seizure and Penalties

§ 56-10. Enforcement.

Except for the provisions in §56-9A relating setbacks for electronic pet containment systems, this Local Law article shall be enforced by the, Dog Control Officer or Deputy Dog Control Officer or by any other law enforcement officer. The Dog Control Officer of Deputy Dog Control Officer shall be authorized to prepare informations and obtain supporting affidavits for submission to the Town Justice Court. The setback provisions in §56-9A shall be enforced by the Code Enforcement Officer in the same manner as a zoning violation.

§ 56-11. Impoundment.

Any dog which violates § 56-7 or §56-8 or which does not have a license may be impounded and taken to a place of detention and shall there be properly fed and cared for at the expense of the Town until disposition thereof shall have been made in accordance with the provisions of this article.

§ 56-12. Seizure of licensed and unlicensed dogs.

A. In the event that the dog seized bears a license tag, the authorized person seizing the dog shall, within three days thereafter, ascertain the name of the owner and give the owner immediate notice by serving upon the owner an instrument in writing stating that the dog has been seized, indicating when, where and why the dog was seized and stating that the dog will be disposed of unless it is redeemed or a trial is demanded within 12 days of the impounding of the dog.

B. In the event that the dog seized does not bear a license tag and the owner is unknown, the Control Officer or other law enforcement officer shall be authorized to destroy the dog seven days after impounding or to dispose of the dog by sale or other means unless the owner redeems the dog, if permitted, or unless a trial is demanded by the owner within seven days of seizure.

§ 56-13. Redemption of impounded dogs.

The owner of any dog impounded by the Town of Clarkson shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee as follows:

A. First Impoundment - \$20.00 plus \$20.00 for each calendar day (or part of a calendar day) period of impoundment.

B. Second Impoundment within five years - \$30.00 plus \$20.00 for each calendar day (or part of a calendar day) period of impoundment.

C. Third Impoundment within five years - \$40.00 plus \$20.00 for each calendar day (or part of a calendar day) period of impoundment.

§ 56-14. Trial procedure.

In the event that the owner of the dog desires a trial, the owner shall post bail as may be set by the court, pay for the care of the dog while impounded and demand, in writing, a trial. The Dog Control Officer or other law enforcement officer shall immediately proceed to file an information with a Town Justice so that the matter will appear on the docket of the Town Justice as soon as possible. The rules of procedure and as to proof applicable in criminal actions shall apply.

§ 56-15. Failure to claim dog.

If an impounded dog is not redeemed or a trial demanded within the time hereinbefore set forth, the owner shall forfeit title to the dog, and it may thereafter be sold by the Town or destroyed by the appropriate official as hereinafter provided.

§ 56-16. Destruction of dogs; report; compensation for dogs destroyed.

A. In the event that it becomes necessary to destroy a dog, the Dog Control Officer or other law enforcement officer shall arrange through a veterinarian for the destruction of the dog, cause the carcass to be disposed of and make a report in writing of such destruction to the Town Clerk. The Town Clerk shall keep a record of the destruction for one year. Said authorized personnel also shall have the authority to place dogs with the Monroe County Humane Society.

B. The owner, possessor or harbinger of any dog destroyed under the provisions of this article shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of the dog.

§ 56-17. Penalties for offenses.

Any person who violates or knowingly permits violation of this article shall be subject to a fine of not more than \$75, except that, where the person was found to have violated this article or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may not be more than \$150; where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than \$300 or imprisonment for not more than 15 days, or both. Nothing contained in this section is intended to eliminate, reduce, diminish or replace the provisions set forth in § 123 of the Agriculture and Markets Law with respect to fines, civil penalties, imprisonment or other remedies with respect to dangerous dog violations.

§56-18. Severability.

If any clause, sentence, paragraph or part of this Local Law or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered

§56-19. Repealer.

Upon this Local Law taking effect, the Dog Control Law of the Town of Clarkson adopted May 14, 1974 and amended from time to time thereafter, is superseded and therefore repealed.

