

LOCAL LAW FILING

New York State Department of State
99 Washington Ave., Albany, NY 12231

(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 underling to indicate new matter.


 of
Town **DUNKIRK**

Local Law No. 4 of the year 2010.

A local law to provide for the licensing and identification of dogs.

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


 of
Town **DUNKIRK**


Section One – Title The title of this Local Law shall be “Dog Licensing and Control Law of the Town of Dunkirk, County of Chautauqua”.

Section Two – 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 Three – Purpose The Town Board of the Town of Dunkirk hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs.

Section Four – Definitions All terms not specifically defined herein shall have the meaning assigned to such terms within Section 108 of the Agriculture and Markets Law of the State of New York.

As used in this Local Law, the following terms shall have the meanings as 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 Local Law, as amended by this Local Law, 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 Local Law, or prior licensing law of the State of New York.

PERSON – A person, partnership, corporation, association or other organized group of persons, business entity, municipality or any other legal entity.

RESIDENT – A person or individual who maintains a residence within the Town of Dunkirk, County of Chautauqua, 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 Five – 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 of the State of New York and pursuant to this Local Law.

All dogs within the Town that are four (4) months of age or older, unless otherwise exempt, 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 Town Clerk of the Town a dog license application, together with the license application fee, and any applicable license surcharges or additional fees as may be established by the Town.

Section Six – Licenses Issued by Animal Shelters and Pounds

The Town does not allow the licensing of dogs by a shelter. The shelter or pound must send the adoptive dog owners to the Town Clerk 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 Seven – 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 Eight – 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 for 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 day of the current rabies certificate for the dog being licensed,

Section Nine – Fees

A. Individual Dog License

For each spayed or neutered dog: \$ 7.00

For each unspayed or un-neutered
dog: \$15.00

B. State Mandated Animal Population Control Surcharge

Each individual dog license for spayed or neutered dog shall be subject to an Animal Population Control Surcharge in the amount of \$1.00 payable concurrently with the dog license.

Each individual dog license for an unspayed or un-neutered dog shall be subject to an animal population control surcharge in the amount of \$3.00 payable concurrently with the dog license.

Dog Enumeration Surcharge.

Each dog found to be unlicensed during a Town dog enumeration, shall be subject to a \$25.00 dog enumeration surcharge payable at the time of the application is filed to license said dog.

Replacement Tag Fee.

A replacement tag fee of \$5.00 shall be charged to offset the costs associated with the provision and replacement of identification tags.

Fee Exemptions.

There shall be exempt from the licensing fees in the Town of Dunkirk any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog, or therapy dog. Each copy of any license for such dog shall be conspicuously marked with the exemption applied as may be appropriate, by the Clerk. Written evidence,

satisfactory to the Town Clerk, shall be presented at the time of the licensing of such dog to qualify for the fee exemption.

Section Ten – 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 of the State Commissioner of Agriculture and Markets.

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 such 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 issuing said license.

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 to the one to which said 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 \$5.00 to the Town Clerk for a replacement tag.

Section Eleven – Purebred Dog License and Fee

The Town of Dunkirk elects not to issue purebred licenses. Any and all existing purebred licenses will now be required to comply with this Local Law.

Section Twelve – Amendment to Fee Schedule

Any and all fees, penalties, costs, or expenses set forth in this Local Law may be amended by the Town Board of the Town of Dunkirk by Town Board resolution without the necessity of amending this Local Law.

Section Thirteen – 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. Subsequent violations need not relate to the same license or dog.

Section Fourteen – Repeal

This Local Law shall supercede all prior inconsistent Local Laws, ordinances, rules and regulation relating to the licensing of dogs within the Town. All prior inconsistent Local Laws, ordinances, rules and regulations shall be rendered null and void upon the effective day of this Local Law.

Section Fifteen – Severability
Clause

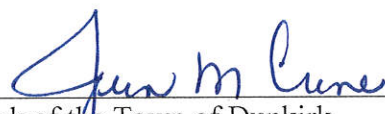
The provision of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section Sixteen - Effective Date

This Local Law shall become effective January 1, 2011 after filing with the Secretary of State of the State of New York.

1. I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2010 of the Town of Dunkirk was duly passed by the Town Board of the Town of Dunkirk on December 14, 2010, in accordance with the applicable provisions of law.

(Seal)

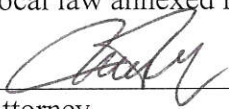

Clerk of the Town of Dunkirk

Date: 12/20/10

(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 CHAUTAUQUA

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.


Attorney

Town of Dunkirk

Date: 12/20/10