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County City Town Village
(Select one:)

Of Shawangunk, Ulster County, New York

Local Law No. 1 of the year **2013**

A local law THE DOG LICENSING AND FEE LAW OF THE TOWN OF SHAWANGUNK
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village

Of SHAWANGUNK, ULSTER COUNTY, NEW YORK as follows:

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

Section 1 Title

Title: the title of this Law shall be The Dog Licensing and Fee Law of the Town of SHAWANGUNK, County of ULSTER.

Section 2 Authority

This Local Law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York and the general police power of the Town of Shawangunk.

Section 3 Purpose

The Town Board of the Town of SHAWANGUNK, County of ULSTER hereby finds and declares that the purpose of this local law is to provide for the licensing and identification of dogs and the recovery of fees and expenses incurred by the Town relative to dogs that are seized per Article 7 of the Agriculture and Markets Law.

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.

CLERK: The Town Clerk of the Town of Shawangunk or his or her duly authorized deputy or designee.

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.

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 SHAWANGUNK, County of ULSTER, State of New York.

RESOLUTION – Any Resolution duly adopted by the Town Board of the Town of Shawangunk.

TOWN – means the Town of SHAWANGUNK, County of ULSTER, State of New York

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 by Resolution.

Section 6 Licenses issued by Animal Shelters and Pounds

The Town does not allow the licensing of dogs by a shelter or pound. The shelter or pound 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 or pound is located for the purchase of the license for adoption purposes.

Section 7 Licensing 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) days be exempt from the licensing and identification provisions of this local law.

Section 8 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 9 Term of License and Renewals

Each license issued pursuant to this local law, shall be valid for a period of up to three (3) years 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 10 Fees

The specific fees for the items listed below shall be set by Resolution of the Town Board and may be amended from time to time by Resolution of the Town Board. Notwithstanding, such Resolution(s) shall provide that the fee for an unsprayed or unneutered dog always shall be at least \$5 (Five Dollars) more than the fee for a spayed or neutered dog.
Authority to set Dog License Fees by Resolution of the Town Board

Pursuant to Municipal Home Rule Law, §10[1][ii][a][9-a], by the adoption of this local law, the Town of Shawangunk, County of Ulster hereby authorizes the Town Board of the Town of Shawangunk, County of Ulster to establish, by resolution, a schedule of dog license fees, enumeration fees, tag replacement fees, impoundment fees and any other related fees. The Town Board of the Town of Shawangunk, County of Ulster may exercise this authority from time to time as needed.

(A) Individual Dog License Fee

For a spayed or neutered dog, per the Resolution

For an unspayed or unneutered dog, per the Resolution

(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 per the Resolution 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 per the Resolution payable at the time the dog license application is filed.

(C) Optional Dog Enumeration Surcharge

Each dog found to be unlicensed during a Town dog enumeration, may be subject to a dog enumeration surcharge per the Resolution payable at the time of the application is filed to license said dog.

(D) Optional Replacement Tag Fee

A replacement tag fee of per the Resolution may be charged to offset the costs associated with the provision and replacement of identification tags.

(E) Optional Fee Exemptions

The Resolution may elect to waive the 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.

(F) For Purebred License Fees, see Section 12 below.

Section 11 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 unless the tag is lost or stolen in which case the Town Clerk, upon receipt of a proper application and fee, shall issue a new identification tag which may or may not contain the original identification number.

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.

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.

An identification tag is not required to be worn while the dog is participating in a dog show.

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. Notwithstanding, if the original identification tag is lost or stolen, the Town Clerk, upon receipt of a proper application and fee, shall issue a new identification tag which may or may not contain the original identification number.

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.

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 per the Resolution to the Town Clerk for a replacement tag.

Section 12 Purebred Dog License and Fee

A. The owner of one or more purebred dogs registered by a recognized registry association as defined in Agriculture and Markets Law, §108 may annually make an application to the Town Clerk for a purebred license, in lieu of the individual licenses required by this local law. A purebred license shall be valid for a period of one year beginning with the first day of the month following the date of issuance and shall be renewable annually thereafter prior to the expiration date.

B. The purebred dog license application shall state the name, address and telephone number of the owner; the county and town where such dogs are harbored; the sex, breed, registry name and number of each purebred registered dog over the age of four months which is harbored on the premises; and the sex and breed of each purebred dog over the age of four months which is harbored on the premises and which is eligible for registration. The application shall also include a statement by the owner that all purebred dogs over the age of four months which are harbored on the premises have been listed.

C. The application shall be accompanied by the license fee set by Resolution and a certificate of rabies vaccination or statement in lieu thereof, as required by this local law and article 7 of the State Agriculture and Markets Law.

D. Upon receipt of the foregoing items, the clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license. Once a purebred license has been issued, no refund therefore shall be made.

E. The Town Clerk shall:

- (i) provide a copy of the purebred license to the owner;
- (ii) retain a record of the purebred license in the office of the Town Clerk.

F. No purebred license shall be transferable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of subdivision one of this section, except when the new owner holds a valid purebred license.

G. Fees

1. Per the Resolution, if no more than ten (10) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

2. Per the Resolution, if no more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

3. Per the Resolution, if more than twenty-five (25) registered purebred dogs or purebred dogs eligible for registration over the age of six (6) months are harbored on the owner's premises at the time of the application;

4. Each Purebred Dog License shall be subject to an Animal Population Control Surcharge in the amount of per the Resolution payable at the time the dog license application is filed. Notwithstanding, the Resolution shall provide that the animal population control surcharge on a purebred license shall be at least Three (\$3) Dollars for the purposes of carrying out animal population control efforts as provided in New York State law.

Section 13 Fees For Retrieval of Dogs Seized or Impounded

Any dog seized or impounded in accordance with Article 7 of the Agriculture and Markets Law of the State of New York only may be retrieved upon submittal of proof that the dog has been licensed, submittal of proof that the individual seeking to retrieve the dog is the owner and payment by owner in the form of cash, money order or bank check of all related Town fees and expenses, including, but not limited to, the related expenses of the Animal Control Officer, shelter, feeding and veterinary care, together with an Impoundment Fee as per the existing Fee Resolution. Impoundment Fees may be amended from time-to-time by Fee Resolution of the Town Board. In the event said fees and expenses are remitted to a shelter under contract with the Town, said fees immediately shall become the property of the Town. In the event that an owner fails to redeem the dog, that failure shall constitute a violation of this Local Law and the owner will be subject to all of the civil or criminal penalties set forth in Section 14 below. Nothing in this Local Law shall require that the shelter retain the dog longer than the minimum period established by the statutory period under Article 7 of the New York State Agriculture and Markets Law or under the contract between the shelter and the Town of Shawangunk, whichever period is longer.

Section 14 Criminal and Civil Penalties

Every dog control officer, peace officer or policy officer shall have all of the powers set forth in Section 113 of the New York State Agricultural and Markets Law, including any later amendments thereof, including without limitation, to issue an appearance ticket pursuant to Section 150.20 of the Criminal Procedure Law, to serve a Summons and to serve and execute any other related Order or process to enforce the provisions of this Local Law.

Any person having found to have violated this Local Law shall be liable for either a criminal penal law sentence or for a civil penalty.

The penal law sentence for a first offense shall be a fine up to TWO HUNDRED FIFTY (\$250.00) DOLLARS or up to FIFTEEN (15) days imprisonment and, for a second offense within FIVE (5) years, shall be a fine of up to ONE THOUSAND (\$1,000.00) DOLLARS or up to ONE (1) year imprisonment.

The civil penalty shall be a fine for the first offense of up to TWO HUNDRED FIFTY (\$250.00) DOLLARS and up to ONE THOUSAND (\$1,000.00) DOLLARS for a second offense within FIVE (5) years.

The election of remedy shall be in the sole discretion of the Town and shall be in addition to and not in lieu of the various fees anywhere else set forth in this Local Law.

Section 15 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 and the payment of related fees within the Town. All prior inconsistent Local Laws, Ordinances, Rules and Regulations shall be, upon the effectiveness of this Local Law, null and void. This Local Law repeals Town of Shawangunk Local Law #3 of 2010 in its entirety and repeals Section 78-9 of the Code of the Town of Shawangunk. Notwithstanding, nothing in this Local Law is intended to modify, repeal or supersede the rest of the provisions of Town of Shawangunk Code Chapter 78 entitled “Dogs and Other Animals” unless in respect of the procedures to obtain a valid dog license and payment of fees related to the licensing and retrieval of seized dogs, in which case, the provisions of this local law shall control.

Section 16 Severability Clause

The provisions 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 local law.

Section 17 Effective Date

This local law shall be effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law for the State of New York.

BE IT ENACTED THIS _____ DAY OF MARCH 2013 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK.

JOHN VALK, JR., SUPERVISOR
ADRIAN M. DEWITT, COUNCILMAN
ROBERT T. MILLER, COUNCILMAN
BRIAN AMTHOR, COUNCILMAN
MATTHEW WATKINS, COUNCILMAN

MARGARET Y. TREMPER, TOWN CLERK
TOWN OF SHAWANGUNK

ATTEST:

TOWN SEAL: