

TOWN OF CONSTANTIA
LOCAL LAW 3-2010
A Local Law Regulating Dog Licensing and Identification
in the Town of Constantia

BE IT ENACTED by the Town Board of the Town of Constantia as follows:

Section 1.

So that Local Law 5 of 2007, titled “A Local Law Setting Dog License Fees in the Town of Constantia,” which pertains to the fees imposed for dog licenses in the Town of Constantia, is hereby repealed in its entirety.

Section 2.

So that a new a local law, titled “Dog Licensing and Identification in the Town of Constantia,” shall be adopted, which shall read in its entirety as follows:

“Section 1. Purpose.

The purpose of this local law is to provide for the licensing and identification of dogs within the Town of Constantia.

Section 2. Authority.

This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.

Section 3. Title.

The title of this local law shall be “Dog Licensing and Identification in the Town of Constantia.”

Section 4. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

ADOPTION – The delivery to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered in the Town of Constantia.

DOG – Any member of the species canis familiaris.

DOG CONTROL OFFICER – Any individual appointed by the Town of Constantia to assist in the enforcement of this local law and Article 7 of the New York State Agriculture and Markets Law or any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Constantia to assist in the enforcement of this local law.

HARBOR – To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag which sets forth an official identification number, as required by the provisions of this local law.

IDENTIFIED DOG – Any dog carrying an identification tag, as provided in Article 7 of the Agriculture and Markets Law.

OFFICIAL IDENTIFICATION NUMBER – A series or combination of letters, numbers or symbols approved and furnished by the Town of Constantia.

OWNER – Any person who keeps, harbors, or is in lawful custody, of any dog.

OWNER OF RECORD – The person in whose name any dog was last licensed pursuant to this local law and/or Article 7 of the Agriculture and Markets Law, except that if any license 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.

PERSON – Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

RECOGNIZED REGISTRY ASSOCIATION – Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of the Department of Agriculture and Markets.

TOWN CLERK – Town of Constantia Town Clerk.

Section 5. Licensing of dogs; rabies vaccination requirement.

A. Licensing of dogs.

- (1) The owner of any dog reaching the age of four (4) months shall immediately make application to the Town Clerk for a dog license pursuant to Article 7 of the Agriculture and Markets Law.
- (2) The application shall state the sex, age, breed, color, official identification number, and identification marks, if any, of the dog and the name, address and telephone number of the owner.
- (3) The application shall be accompanied by a fee, as set forth in Section 6 of this local law, and a certificate of a current rabies vaccination or statement in lieu thereof, as required by Article 7 of the Agriculture and Markets Law. An application for a spayed or neutered dog shall be accompanied by either a certificate, executed by a licensed veterinarian, or an affidavit by the owner, verifying that such dog has been spayed or neutered; a certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu thereof, an owner may submit a statement, certified by a licensed veterinarian, verifying that an examination of the dog reveals that spaying or neutering will endanger the life of the dog. In such a circumstance, the license fee for the dog shall be the same as for a spayed or neutered dog, as set forth in Article 7 of the

Agriculture and Markets Law.

- (4) Upon validation by the Town Clerk, the application shall become the license for the dog described therein. Once an application has been validated, no licensing fee shall be refunded, prorated or waived. No license fee is refundable, or partially refundable, in the event the dog is lost, stolen, given away, surrendered or deceased before the expiration of the license.
- (5) The Town Clerk shall provide a copy of the license to the owner. If the application or renewal for a dog license is made by mail, the owner shall provide a stamped, self-addressed envelope for that purpose.
- (6) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license.
- (7) Licenses shall be issued for a period of one year and shall expire on the last day of the month one year from the date of issue. Renewing early or late does not change the renewal month.

B. Purebred licenses.

- (1) In lieu of or in addition to the individual license required by this local law, the owner of one or more purebred dogs registered by a recognized registry association and in possession of a purebred license as of December 31, 2010, may continue to apply annually to the Town Clerk for a purebred license. A purebred license shall be valid for a period of one year, commencing on the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. No new applications for purebred licenses will be accepted after January 1, 2011.
- (2) The application shall state the sex, age, breed, registry name and number of each purebred registered dog over the age of four (4) months which is harbored on the premises; the sex and breed of each purebred dog over the age of four (4) months which is harbored on the premises and eligible for registration; and the name, address and telephone number of the owner. The application shall include a statement by the owner that all purebred dogs over the age of four (4) months which are harbored on the premises have been listed.
- (3) The application shall be accompanied by the license fee, as set forth in Section 7 of this local law.
- (4) Upon receipt of the foregoing items, the Town Clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license, a copy of which shall be provided to the owner. Purebred license fees shall not be prorated or waived. No purebred license fee is refundable, or partially refundable, in the event the dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
- (5) No purebred license shall be transferable. Upon change of ownership of any dog

licensed under a purebred license, such dog shall no longer be eligible for a purebred license.

C. Relocation/ Relicensing.

- (1) The owner of any dog that is currently licensed in another municipality, must, upon harboring such dog in the Town of Constantia, obtain a Town of Constantia dog license within thirty (30) days; whereupon, the Town Clerk shall assign a Town of Constantia identification number and an identification tag shall be issued as set forth in Section 7. Upon issuance of a Town of Constantia identification number and tag, the dog's former identification tag shall be discarded and the new identification tag shall be affixed to the dog's collar.
- (2) Any dog adopted or redeemed from an animal shelter must be licensed in the Town of Constantia prior to being released from such shelter.

D. Vaccination.

The Town Clerk shall require the applicant to present a current statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that the administration of vaccine will endanger the life of the dog. The Town Clerk shall make, or cause to be made from such statement, a record of such information and shall file such record with a copy of the license.

Section 6. License fees.

- A. A fee schedule shall be established by resolution of the Town Board of the Town of Constantia and shall be on file with the Town Clerk. Such fee schedule may thereafter be amended by resolution of the Town Board. Fees shall be charged and collected prior to the issuance of a license.
- B. An additional fee shall be imposed when a dog is identified as unlicensed during an enumeration. Such additional fee shall be established, and amended from time to time, by resolution of the Town Board and shall be on file with the Town Clerk. Such fee shall be the property of the Town of Constantia and shall be used to pay the expenses incurred by the Town of Constantia in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town of Constantia in conducting an enumeration in any year, such excess fees may be used by the Town of Constantia for any other lawful purpose.
- C. On or before the fifth day of each month, the Town Clerk shall remit all license fees to the Town Supervisor.

Section 7. Identification of dogs.

- A. Each dog licensed pursuant to this local law shall be assigned, at the time of first licensing, a permanent official identification number which shall be featured on an

identification tag affixed to a collar on the dog at all times, provided that a dog participating in a dog show shall be exempt from this requirement during such participation.

- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of Constantia dog identification tag be lost, a new tag will be issued at a fee prescribed and amended from time to time by resolution of the Town Board of the Town of Constantia. Such fee shall be on file in the office of the Town Clerk.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number is assigned.
- E. The size, shape and form of imprints on identification tags shall be prescribed by resolution of the Town Board of Town of Constantia. Any tag bearing an imprint other than that prescribed shall not constitute valid identification for purposes of this local law.
- F. Fees received pursuant to this Section shall be remitted by the Town Clerk to the Town Supervisor by the fifth day of each month.

Section 8. Change of ownership; lost or stolen dog.

- A. In the event of a change in the ownership of any dog which has been assigned an official identification number by the Town Clerk, or a change in the address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, notify the Town Clerk of such change. Such owner or record shall be liable for any violation of this local law until such notice is made or until the dog is licensed in the name of the new owner.
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, report such loss or theft with the Town Clerk. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this local law or Article 7 of the Agriculture and Markets Law committed after such loss or theft has been reported to the Town Clerk.
- C. In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in Section 5 of this local law. Failure to so notify the Town Clerk shall constitute a violation and the owner of record shall be held liable.

Section 9. Seizure of dogs; redemption periods; impoundment fees.

The owner of any dog impounded by the Town of Constantia 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 established, and amended from time to time, by resolution of the Town Board. The amount of such fee shall be on file with the Town Clerk.

Section 10. Violations.

- A. It shall be a violation, punishable as provided in Subsections B and C of this Section, for:
1. any owner to fail to license any dog;
 2. any owner to fail to have any dog identified as required by this local law;
 3. any person to knowingly affix to any dog any false or improper identification tag or special identification tag;
 4. any person to furnish any false or misleading information on any form required to be filed with the Town pursuant to the provisions of this local law or the rules and regulations promulgated thereto; and
 5. any owner of a dog to fail to notify the Town of any change of ownership or address as required by Sections 5 and 8 of this local law.
- B. It shall be the duty of the Dog Control Office of the Town of Constantia to bring an action against any person who has committed, within the Town of Constantia, any violation of the provisions of this local law. The Town of Constantia may elect to either prosecute such action as a violation under the Penal Law or commence an action to recover a civil penalty. A violation of this local law shall be punishable, subject to such an election, either:
- (1) Where prosecuted pursuant to the Penal Law, by a fine of not less than twenty-five dollars (\$25.00), except that
 - (a) Where the person was found to have violated this local law within the preceding five (5) years, the fine may not be less than fifty dollars (\$50.00), and
 - (b) Where the person was found to have committed two (2) or more violations within the preceding five (5) years, it shall be punishable by a fine of not less than one hundred dollars (\$100.00) or imprisonment for not more than fifteen (15) days, or both; or
 - (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than twenty-five dollars (\$25.00), except that
 - (a) Where the person was found to have violated this local law within the preceding five (5) years, the civil penalty may not be less than fifty dollars (\$50.00), and

- (b) Where the person was found to have committed two (2) or more such violations within the preceding five (5) years, the civil penalty may not be less than one hundred dollars (\$100.00).

C. Each day that failure continues shall constitute a separate violation.

Section 11. 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 12. Effective date.

This local law shall take effect on the first day of January, 2011.”

Section 3. Effective Date.

This local law shall take effect on the first day of January, 2011.