

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 Farmersville

FILED
STATE RECORDS

DEC 20 2010

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 10

A local law entitled "The Dog Licensing Law". Amending Local Law 1-1997,

"A Local Law establishing ^(Insert Title) Dog License Fees in addition to those set by Subdivision 1 of Section 110 of the Agriculture and Markets Law of the State of New York, Amending Local Law 1-1992, " A Local Law entitled [the] Dog Control Law of the Town of Farmersville New York, in relation to the Owing, Harboring or Keeping within the Town Limits."

Be it enacted by the _____ of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of Farmersville as follows:

SEE ATTACHED SHEETS

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

(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. 3 of 2010 of the ~~(County)(City)(Town)(Village)~~ of Farmersville was duly passed by the Town Board on December 20, 2010, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on 20 , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

Susan E. Holmes

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

Date: 12/20/2010

(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 CATTARAUGUS

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.

James J. McAuley

Signature
Town Attorney

Title

~~County~~
~~City~~ of Farmersville
Town
~~Village~~

Date: December 20, 2010

**TOWN OF FARMERSVILLE
LOCAL LAW 3 OF 2010
THE DOG LICENSING LAW, AMENDING LOCAL LAW 1-1997, A LOCAL
LAW ESTABLISHING DOG LICENSE FEES IN ADDITION TO THOSE SET
BY SUBDIVISION 1 OF SECTION 110 OF THE AGRICULTURE AND
MARKETS LAW OF THE STATE OF NEW YORK, AMENDING LOCAL LAW
1-1992, A LOCAL LAW ENTITLED [THE] DOG CONTROL LAW OF THE
TOWN OF FARMERSVILLE AND AMENDING LOCAL LAW 3-1997, A LOCAL
LAW OF THE TOWN OF FARMERSVILLE NEW YORK, IN RELATION TO
THE OWNING, HARBORING, OR KEEPING OF DOGS WITHIN THE TOWN
LIMITS**

Be it enacted by the Town Board of the Town of Farmersville as follows:

SECTION 1. NAME OF THE LAW:

- A.) This Law shall be known as the Farmersville Dog Licensing Law.
- B.) Throughout this law, the appropriate subsection of Article 7 of the Agriculture and Markets law shall be cited, for reference purposes.

SECTION 2. AREA AFFECTED:

- A.) Those areas within the confines of the municipal boundaries of the Town of Farmersville, that is, all resident who own dogs, or members of the dog family, within the Town of Farmersville

SECTION 3. DEFINITIONS:

- A.) Dog - Dog shall mean male and female, members of the species Canis Familiaris, including hybrids with Canis Lupus (Wolves).
- B.) 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, and as amended by the State of New York. Reference to Sections 106-124 within this Local Law shall be to Article 7 of New York State’s Agriculture and Markets Law.
- C.) Owner – the individual required to obtain a dog license. “Owner” shall designate and cover any person or persons, firm, association or corporations, who or which at any times owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought, or comes into the Town of Farmersville.
- D.) Town – shall designate the area within the municipal limits of the Town of Farmersville

SECTION 3. PURPOSE AND INTENT:

WHEREAS, The State of New York's law affecting dogs are found in *Dog Licenses*, Article 7 of New York's Agriculture and Markets Law in 2010, Sections 106-124 as amended; and

WHEREAS, Article 7 of New York's Agriculture and Markets Law was amended, the amendments being found in Part T of Chapter 59 of the Laws of 2010, said amendment shifting the regulatory burden from the State of New York to the Towns of the State of New York; and

WHEREAS, The purpose of this local law/ordinance 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.

SECTION 4. EXEMPTIONS FROM LICENSING:

- A.) Any dog harbored within the Town of Farmersville 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 107(2).
- B.) Exemption from Licensing also apply to those exemptions for those dogs in animal hospitals and individuals or corporations licensed as a Class A Dealer under the Federal Laboratory Animal Welfare Act, per sections 107(3) and 107(4)
- C.) Dogs of any age which are held at a shelter pursuant to a contract or agreement with the Town of Farmersville or duly incorporated society for the prevention of cruelty to animals, humane society or dog protective association, per Section 109(1)(a).
- D.) Exemption regarding Visitors – visitors who (1) bring their dog, or dogs, to the Town AND (2) reside within the Town for more than one week may be required to either:
 - (1) Provide satisfactory proof (i.e., license, dog tag) that their dog is licensed in another jurisdiction; or
 - (2) Provide satisfactory proof that their dog is exempt from licensure; or
 - (3) Obtain a dog license in accord with this law.

SECTION 5. DOG TAGS:

- A.) Per Section 108(11), All dog tags within the Town of Farmersville shall have the following information placed on them:
- 1.) The Town's name as the licensing municipality
 - 2.) A Reference to the State of New York
 - 3.) The Town's phone number as contact information; and
 - 4.) The following shall also be placed on the dog's tag:
 - a.) Identification number

SECTION 6. LICENSING:

- A.) Owners of dogs four (4) months or older are required to apply for a license for their dogs, per Section 109(1)(a).
- 1.) Licenses shall be issued by The Town Clerk during the Town Clerk's regular business hours.
 - 2.) The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk, or as the Town may authorize by contract, 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 Farmersville.
 - 3.) The Town Clerk is required to keep a copy of each issued dog license, and is to provide the Department of Agriculture and Markets a copy of the license or license issued, upon said Department's request, per Section 109(1)(f), and (h).
 - 4.) All dogs which are not purebred will be licensed at the "regular" fees found at Section 7(A) 1, 2, 3, and 4.
- B.) In lieu of the above section, the Town of Farmersville may contract with a dog pound or shelter, and in that contract provide authorization to said pounds, or shelters, manager to provide, accept and grant an application for a dog license made by a resident of the Town of Farmersville provided that the application is made in accords with this Local Law and that the license fee, and additional fee or surcharge shall be remitted to the Town of Farmersville on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received, per Section 109(1)(b) 9.
- C.) Dog owners applying for a license shall provide proof that the dog has been vaccinated to prevent rabies, or provide a statement from a veterinarian that the dog's life would be endangered by that vaccination, and therefore the dog is not vaccinated per Section 109(2).
- D.) Licenses shall not be transferable, per Section 109(1) (g).
- E.) Purebred licenses – Per Section 109(3) the Town of Farmersville shall purebred licenses in the case of purebred kennel or purebred breeder.

SECTION 7. FEES:

A.) The Fee Schedule is established as follows:

- 1.) Spayed and Neutered Dogs - \$6.00 local and \$1.00 surcharge (Section 110(3) for population control) for the state = \$7.00 total.
- 2.) Unspayed or Unneutered Dogs – \$12.00 local and \$3.00 surcharge (Section 110(3) for population control) for the state = \$15.00 total
- 3.) The Town of Farmersville will not provide refunds
- 4.) Dog Replacement Tag Fee – To replace a lost or stolen dog tag, the fee is \$4.00.
- 5.) Purebred fees – where 1-10 is \$30.00
11-25 is \$60.00
More than 25 is \$120.00
- 6.) The Town Reserves the right to change the above fees by a resolution of the Town Board.
- 7.) The above fees supersede and repeal those fees found within Local Law 1-1997.

SECTION 8. USE OF FUNDS RECEIVED FROM DOG LICENSE APPLICATIONS AND IMPOUNDMENT PENALTIES:

A.) The Town of Farmersville, per Sections 110(1) and 119, states that the monies received from license applications shall only be used for

- (1) Enforcement of Town of Farmersville Laws relating to dogs; or
- (2) Subsidizing the spaying and neutering of dogs; or
- (3) Subsidize humane education programs for responsible dog ownership.

SECTION 9. FEE EXEMPTIONS:

Exempt from the requirement to pay a licensing fee are dog license applications submitted for guide dogs, hearing dogs, service dogs war dogs, working search dogs, detection dogs, police dogs, and therapy dogs, per Section 110(2)

SECTION 10. TERM OF LICENSES/ RENEWALS:

- A.) Each license issued shall be valid for a period of one year from the date of issuance, per Section 109(a). After a year has passed, the license expires and the dog is deemed to be unlicensed.
- B.) License renewals merely require paying the appropriate fees, and do not require the issuance of a new identification number or dog tag.
- C.) In those cases where a metal dog tag may not be immediately available for issuance, upon properly filling out the application and paying the appropriate fees the Town Clerk may issue a 30 day Temporary paper license.

SECTION 11. IDENTIFICATION OF DOGS:

A. As required by Section 111:

- 1.) All dogs within the Town of Farmersville are required to wear their dog license at all times, unless otherwise exempt.
- 2.) Each dog license shall bear an identification number issued by the Town
- 3.) A dog participating in a dog show within the Town of Farmersville shall be temporarily exempt from the above identification requirement, but said exemption only applies during participation in the dog show.

SECTION 12. CHANGE IN OWNERSHIP, LOST OR STOLEN DOGS:

A.) Notification regarding change of dog ownership or that a dog has been lost or stolen is to be provided to the Town Clerk and to be noted in the records, per Section 112.

SECTION 13. PENALTIES – SEIZURE AND IMPOUNDMENT OF DOGS/REDEMPTION OF SEIZED DOGS:

- A.) Per Section 117, any dog which is not licensed, whether on or off the owner's premises, shall be seized by the Dog Control Officer and impounded at the Town's dog kennel, or the kennel that the Town has a contract with.
- B.) Upon seizure of an identified dog, the owner of the dog shall promptly be notified personally or by certified mail, return receipt requested of the facts of seizure and the procedure for redemption. If notification is personally provided, the redemption period is seven (7) business (not consecutive) days. If redemption is provided by certified mail, the redemption period is nine (9) business (not consecutive) days from the date of the certified mail mailing.
- C.) For the First violation of this law, the Dog Control Officer shall not impound the dog, but rather issue an appearance tickets to the Dog's owner. For second and third violations of this law, the dog shall be impounded.
- D.) Fines- Except as provided above, within five (5) business (not consecutive) days, from the day the dog is impounded, in order to redeem a dog from impoundment, or, as a violation of this Local Law, a dog owner must pay the following fines:
 - 1.) First offence – \$50.00.
 - 2.) Second Offence – \$75.00 plus \$3.00 for each additional 24 hour period where the dog is actually impounded.
 - 3.) Third and Subsequent Offenses – \$125.00 plus \$3.00 for each additional 24 hour period, where the dog is actually impounded
- E.) The additional 24 hour period penalties in the amount of \$3.00, cited above at Clause 13(D), 2 and 3, are only to be paid where a dog has been actually impounded.
- F.) The fines and impoundments fines listed above in Section 13(D) 1, 2, and 3 are applicable to violations of Local Law 1-1992 ("The Dog Control Law of the Town of Farmersville"). Furthermore, for clarification, the above fines supersede and repeal those found at Section 9 of Local Law 1-1992. Therefore, violators of Loyal

- Law 1-1992 and 1-1992 as amendment by Local Law 3-1997, will be subject to the schedule of fines and impoundment fees listed above at Section 13(D) 1,2, and 3.
- G.) The fines and impoundment fines listed above in Section 13(D) 1, 2, and 3 are applicable henceforth for violations of Local Law 3-1997, as amended. For the record, Local Law 3-1997 amended Local Law 1-1992.
 - H.) The fines provide in this law shall not be reduced below, or increased above the levels provided in this Local Law.
 - I.) Any owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period and the dog shall be made available for adoption or euthanasia, subject to the provisions of the Agriculture and Markets Law.
 - J.) Failure to pay the fine imposed by a Court of Competent jurisdiction shall result in the Town obtaining a judgment in the amount of the fine, including penalties and interest. Said Judgment shall be filed by the Cattaraugus County District Attorney against the dog owner(s) in the Cattaraugus County Clerk's Office.
 - K.) The above fee schedule shall be reviewed periodically by the Town of Farmersville and may be modified, as needed, by a resolution of the Town Board at its discretion.

SECTION 14. LEASH LAW

Local Law 3-1997, "A Local Law of the Town of Farmersville, New York, in relation to the Owing, harboring, or Keeping of Dogs Within the Town Limits," is hereby amended by repealing the language of Section 3 (which, was an amendment Local Law 1-1992 as Section 4(f)) and replacing it with the following language:

Section 3. (to be designated as Section 4(F) in Local Law 1992.)

- A.) This requirement that a dog be under the control of the owner, and/or leashed in accord with 4(E) law is applicable to all parcels of real property, whether owned or rented or leased, within the municipal boundaries of the Town of Farmersville, and is obligatory on all resident who own dogs, or members of the dog family, within the Town of Farmersville.

SECTION 15. APPLICATION IN REGARD TO OTHER LOCAL LAWS:

This Local Law shall be read in conjunction with Local Law 1-1992, as amended by this law, Local Law 1-1997, as amended by this law, and Local Law 2-1997, as amended by this law. This Local Law shall supersede and repeal all other laws and ordinances concerning dogs in the Town of Farmersville, notwithstanding anything to the contrary.

SECTION 15. SEVERABILITY:

Should any part of this Local Law be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair, or invalidate the remainder thereof, but shall be restricted in its operation in affect to the part of this Local Law specifically determined to be invalid.

SECTION 16. EFFECTIVE DATE:

This Local Law shall take effect immediately upon this filing thereof in the Office of the Secretary of State of the State of New York.